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No. 52

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. THORNBERRY].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,  
April 28, 1997.

I hereby designate the Honorable WILLIAM M. "MAC" THORNBERRY to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using these words from Psalm 51:

*Create in me a clean heart, O God, and put a new and right spirit within me. Cast me not away from Thy presence, and take not Thy holy Spirit from me. Restore to me the joy of Thy salvation, and uphold me with a willing spirit. O Lord, open Thou my lips, and my mouth shall show forth Thy praise. Amen.*

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced

that the Senate had passed a bill of the following title, in which concurrence of the House is requested:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, April 28, 1997.

Hon. NEWT GINGRICH,  
The Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, April 25, 1997:

That the Senate passed without amendment H.R. 1225.

With warm regards,  
ROBIN H. CARLE,  
Clerk, U.S. House of Representatives.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, April 25, 1997: H.R. 1225, to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, April 28, 1997.

Hon. NEWT GINGRICH,  
The Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, April 25 at 3:59 p.m. and said to contain a message from the President regarding the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

With warm regards,  
ROBIN H. CARLE,  
Clerk, U.S. House of Representatives.

### CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105-77)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

#### *To the Congress of the United States:*

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the Convention subject to reservations, notwithstanding Article XXII of the Convention.

In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) No assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are

parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act of 1997 (as contained in Public Law 104-208), I determine that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

In connection with Condition (28), Constitutional Protection Against Unreasonable Search and Seizure: (i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a

criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized; and (ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

In accordance with Condition (26) on Riot Control Agents, I have certified that the United States is not restricted by the Convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in a use of force of a scope, duration and intensity that would trigger the laws of war with respect to U.S. forces.

In connection with Condition (4)(A), Cost Sharing Arrangements, which calls for a report identifying all cost-sharing arrangements with the Organization, I hereby report that because the Organization is not yet established and will not be until after entry into force of the Convention, as of this date there are no cost-sharing arrangements between the United States and the Organization to identify. However, we will be working with the Organization upon its establishment to develop such arrangements with it and will provide additional information to the Congress in the annual reports contemplated by this Condition.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, April 25, 1997.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### U.S. ARMED FORCES IN BOSNIA PROTECTION ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, when it comes to the issue of Bosnia, America has fulfilled her promise. While many Americans, including myself and my colleagues on both sides of the aisle, were opposed to deploying United States troops to Bosnia, we found some comfort in knowing that they were to come home at the end of one year.

Well, Mr. Speaker, as we know, the President has broken his promise and has extended our military mission in Bosnia until at least June of 1998.

Contrary to what some may say, Bosnia is not a vital United States national interest; it is at best a secondary interest. And contrary to the President's own declaration, Bosnia is not at the heart of Europe, it is a geographic fringe of Europe and devoid of

any strategic assets. It is, in other words, a regional problem for Europe.

So why then are we spending 6.5 billion U.S. dollars, and why are we placing a division-size unit of troops in harm's way if it is Europe's problem to solve? Well, perhaps it is because administration officials have repeatedly warned that, if United States troops withdraw, the Europeans will withdraw and the mission will collapse.

Frankly, I am troubled by the implication that we are hostages to the Europeans' unwillingness to solve their own regional problems.

The fact of the matter is that the United States troops in Bosnia have been forgotten. The old saying, out of sight, out of mind, applies to our men and women in Bosnia. That is why I am an original cosponsor of H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act.

This bill limits the presence of United States ground troops in Bosnia to the end of 1997 and prevents mission creep. It also requires the administration to report on the steps it is taking to prepare our European allies to take over the mission.

Mr. Speaker, it is time for others to shoulder this military burden, as Uncle Sam already has a \$6 trillion national debt problem of his own.

Mr. Speaker, the time has come to bring our troops home. Please join me as a cosponsor of H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act of 1997.

#### FUTURE OF THE U.S. MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, today is the first of three speeches I intend to make on the future of the U.S. military. This afternoon I will address the principles that should shape U.S. military strategy in coming years. In the second speech I will discuss whether projected budgets are sufficient to support U.S. strategy. In the final speech, I intend to consider how we are treating our most important resource for protecting national security, our people, the men and women who serve in the Armed Forces and the civilian personnel who support them.

I intend to begin each of these speeches by making a simple point that Congress is responsible for ensuring that U.S. Armed Forces are prepared to preserve and protect the security of the United States. Let me emphasize the key phrase in this statement: Congress is responsible.

Under the Constitution, it is the duty of the Congress, not of the President, let alone of the Secretary of Defense or the Joint Chiefs of Staff, who are not constitutional officers, to determine the size and composition of the Armed Forces. Article I, section 8 of the Con-

stitution, which lists the powers of the Congress, makes this clear. It assigns to Congress the powers to raise and support armies, to provide and maintain a navy and to make rules for the Government and regulation of the land and naval forces.

It falls to the Congress, therefore, to ensure that our military strength is adequate to defend our Nation and our national interests. Indeed, there is no more important duty placed upon us as Members of this institution than to provide for the common defense. It is a duty which we owe not only to our fellow citizens today, but to the Americans of tomorrow.

We have a duty, as well, not to squander, through short-sightedness and neglect, the sacrifices which generations before us have made to grant us the peace and security with which we are blessed. We have a duty to future generations of Americans to pass on to them the legacy of peace, prosperity, and freedom which has been bequeathed to us.

It is the Congress, therefore, which is ultimately responsible for approving a strategy to guide U.S. military policy and, above all, for establishing a proper balance between national strategy and the resources available to carry it out.

Historically, Congress has often failed in this responsibility. In the years since the end of the cold war, many commentators have noted how badly the Nation has handled the aftermath of major conflicts in the 20th century. After World War I, after World War II, and after the war in Vietnam, we allowed our military forces to deteriorate to a degree that cost us dearly in the conflicts that inevitably arose later on.

In fact, such a failure is not unique to this century. A few years ago, I discovered a speech made in 1923 by then-Army Maj. George C. Marshall that discerned a similar, though not quite identical, pattern of failure even earlier in our history.

Major Marshall, of course, later became the most distinguished American soldier and statesman of this century, as Chief of Staff in the Army in World War II, Secretary of State in the early years of the cold war, and Secretary of Defense during the war in Korea.

"From the earliest days of this country," said Marshall in 1923, "the Regular Army was materially increased in strength and drastically reduced with somewhat monotonous regularity." It was perhaps understandable, he said, that there should be a reduction in the size of the military following a war. But, in fact, he discovered the pattern was not quite so simple.

Often, following a war, the size of the Regular Army was increased above what it had been before the conflict, but then, within a very few years, or even a few months, in some cases it was reduced below the pre-war level. In struggling to comprehend this inconsistency, Marshall offered the following explanation:

"It appears that when the war was over, every American's thoughts were centered on the tragedies involved in the lessons just learned. So the Congress, strongly backed by public opinion, determined that we should be adequately prepared for the future, and accordingly enacted a law well devised for this express purpose. However, in a few months, the public mind ran away from the tragedies of the war and reasons therefor and became obsessed with the magnitude of the public debt and the problem of its reduction. Forgetting almost immediately the bitter lesson of unpreparedness, they demanded and secured the reduction of the Army, which their representatives had so recently increased for very evident reasons."

It is this pattern of failure that I fear we may now be repeating. For my own part, I have been debating whether the current era resembles more the period of about 1903 or the period of about 1923. At the turn of the century, the Nation had just won a short, popular war against Spain, after which, support for the Army and Navy ran high. But within a few years, funding for the military was reduced, in part because the world seemed to be comfortably at peace, and many believed that war had become impossible.

Just a few years later, all of Europe was in flames, and by 1917, the United States had declared war on Germany, but without any degree of military preparedness.

□ 1415

Marshall recalled seeing United States soldiers in France at the end of 1917 marching through the ice and snow "without shoes and with their feet wrapped in gunny-sacks." The allies had to continue to hold the line for more than a year before the United States was prepared to participate in the final battles that brought the Great War to a close.

In 1923, the United States had recently participated in what was then the most horrible war in human history. But the public mind, as Marshall lamented, had already forgotten the lessons of that war and the costs of unpreparedness. The majority in Congress could not foresee circumstances in which the United States would again embroil itself in Europe's conflicts, and support for military expenditures had dissolved. Less than 20 years later, we were engaged in an even more destructive global war, for which we were also terribly unprepared.

Today, in the aftermath of a successful conclusion of the cold war with the USSR, we are well on our way to repeating the same mistake of denuding ourselves militarily. The world is no less turbulent or dangerous than it was during the cold war. Regional threats, along with rising terrorism and the possibility of nuclear and chemical weapons proliferation, should cause us to keep up our guard.

Today, a few of my colleagues frequently challenge me with a question

that surely echoed through these Halls in 1903 or 1923. "What is the enemy," I am asked? And with that question, there are many others. Why continue to support more spending for defense when the cold war is over? Why plan for two major regional wars when a second threat did not materialize during the Persian Gulf war? Why continue to pursue expensive, new, advanced weapons when U.S. technology was so dominant in Operation Desert Storm, and when no other nation is spending nearly what we do on military hardware? Why keep a robust force structure and a fair-sized personnel level?

Today, and in the two speeches to follow, I will provide answers to those narrower questions. But to the broader question of what is the enemy, there is no clear and simple answer; as, indeed, there was no clear and simple answer that Marshall could have given in 1923.

For my part, I think any attempt to see into the future is like looking into a kaleidoscope. We never know what new pattern will emerge. We only know that the colors making up the pattern will remain the same. In viewing the future of international affairs, we cannot foresee the new shape of the world, but we know that the colors are those of the human condition, including all the traits of human character and all the circumstances of human life that have ever led to war. Those colors have not changed, and the need to prepare for conflict has not diminished merely because an era of conflict with a particular foe has ended and a new era, of yet uncertain pattern, is emerging.

So to respond to my colleagues who ask, "what is the enemy," I say, true; today we cannot define precisely what the enemy is or will be. We can say, however, that we will fail in our responsibility in this Congress if, once again, we allow the armed forces to be unprepared for the enemies that may emerge.

In fact, as I will argue today, a failure to support a strong military in the present historical circumstances would be even more unfortunate and more unforgivable than in the past for two reasons.

First, today the United States is the only Nation able to protect the peace. In the past we were fortunate that allies were able, often by the narrowest of margins, to hold the line while we belatedly prepared for war. Bismarck once said: "God protects fools, and the United States."

Today, no one else is capable either of preventing conflict from arising in the first place, or of responding decisively if a major threat to the peace does occur. While I trust in God, I believe God has given us the tools we need to keep peace, and it is our task to use them wisely.

Second, and perhaps most importantly, if we fail in our responsibility to maintain U.S. military power, the United States, and, indeed, the world as a whole, may lose an unprecedented

opportunity to construct an era of relative peace that could last for many, many years.

Today, our military strength is the foundation of a relatively secure international order in which small conflicts, though endemic and inevitable, will not decisively erode global stability. As such, our military strength is also a means of preventing the growth of one or more new powers that could, in time, constitute a threat to peace and evolve into the enemy we do not now foresee.

Because of this, the very limited investment required to maintain our military strength, though somewhat larger than we are making right now, is disproportionately small compared to the benefits we, and the rest of the world, derive from it.

My fellow Missourian, Harry S. Truman, stated this clearly: "We must be prepared to pay the price for peace, or assuredly we will pay the price of war." These two premises, that the United States alone is able to protect the peace, and that adequate, visible U.S. military power may prevent new enemies from arising in the future, are, it seems to me, the cornerstones of a sound strategy for the years to come. These are the premises that will guide my evaluation of the current reassessment of defense policy, called the Quadrennial Defense Review, or QDR, that the Defense Department is due to deliver to the Congress on May 15.

In the remainder of this statement I want to discuss what I have heard of the strategy that is evolving in the process of the Quadrennial Defense Review, the QDR, what I see as its strengths, and how I think it might be improved.

In carrying out this assessment, I will be referring on occasion to a draft of the QDR statement of strategy that was printed recently in a reliable newsletter called "Inside the Army." To be sure, this is not the final draft of this strategy, which is still to be released officially. It remains subject to change. I will refer to it, nonetheless, because it reflects the thinking going on inside the Pentagon to date, and moreover, because I believe it is a good start in defining a military strategy for the future.

That being said, I do not at all agree with the judgment, which appears to be emerging from the QDR, that the new strategy can be supported with a force smaller than the force determined to be necessary by the QDR's predecessor, the Bottom-Up Review of 1993.

The key theme of the new strategy is that U.S. military forces must be able to shape the international security environment in ways favorable to U.S. interests, to respond to the full spectrum of crises when it is in our interest to do so, and to prepare now to meet the challenges of an uncertain future.

So the three elements of the strategy are these: Shape, respond, prepare. To shape requires forward deployment of U.S. forces; various means of defense

cooperation with allies, including security assistance; and joint trading with allies and others.

To respond requires the ability to execute the full spectrum of military operations, including showing the flag to deter aggression; conducting multiple, concurrent, small-scale contingency operations; and fighting and winning major theater wars, including the ability to prevail in two nearly simultaneous conflicts.

To prepare requires adequately sized forces for the air, sea, and especially the land; increased investments in weapons modernization; robust efforts to exploit the evolving revolution in military affairs; and investments in research and development that hedge against the evolution of unexpected but potentially dangerous developments in military technology in the future.

Now, there are those who will say of this statement of strategy that it fails because it is not selective enough in defining for what challenges U.S. military forces should prepare. Some have complained that United States military forces are being used too often to respond to crises, like the conflict in Bosnia, that are not directly threatening to United States security. I have sometimes agreed with those complaints.

Others with whom I have not agreed have argued that the United States should give up the Bottom-Up Review strategy of being prepared to prevail in two near-simultaneous regional conflicts, now called major theater wars, and instead prepare for one such conflict plus smaller peace operations.

Still others say we should focus less of our effort on the current challenges to our security and devote much more attention to preparing for potential new threats from a peer or near-peer military competitor in the future.

I think the QDR draft statement of strategy is preferable to any of these alternative views. As against those who would be more selective in identifying commitments, the emerging QDR strategy statements reflects the fact that Presidents have long been able to commit large numbers of U.S. troops to sometimes long-lasting operations abroad pretty much as they see fit.

President Clinton has done so more than others, but he is not alone in asserting his authority as Commander in Chief to undertake major new missions abroad. Since Presidents can define what U.S. interests abroad are vital enough to require the commitment of U.S. forces, then the U.S. military will have to be prepared to carry out an extraordinarily broad range of tasks short of major war.

It would be misleading, for military planning purposes, for a statement of strategy to identify only a narrow range of missions, when, in fact, the military can, at any time, be called on to carry out any imaginable kind of mission while still preparing for major wars.

Indeed, the key flaw of the Bottom-Up Review was that it failed to take account of the demands that would be put on forces by missions other than the requirement to be prepared to fight two nearly simultaneous major regional conflicts.

As against those who would give up the Bottom-Up Review's two-war requirement, that, to me, is a prescription for giving up on being a superpower. If we lack the ability to respond to a second crisis should a first arise, then in every case we would be hesitant in committing our forces to action in the first instance. Would we really respond to Saddam Hussein, for example, at the cost of critically weakening our deterrent posture in Korea? That is a choice we should never have to make.

As to those who would spend less on maintaining current readiness in order to invest in future technology, I do not agree that we are in a "threat trough". On the contrary, the evidence of recent years is that the world after the cold war is more turbulent than ever. We have to be prepared to deal with today's conflicts, or we may be critically weakened by confronting the challenges of the future by failure to preserve the peace today.

So a new statement of strategy that calls for forces able to shape, respond, and prepare seems to me to be a valuable contribution to the debate about U.S. military preparedness. It is a demanding strategy, and under current circumstances, one that will be challenging to fulfill. It is a matter of great concern to me, therefore, that everything I have heard about the rest of the QDR is at odds with the requirements implied by the new statement of strategy.

Earlier this year Secretary Cohen assured the Committee on National Security that the QDR process would be driven by the strategy, not by the budget.

The new strategy, it seems very clear, requires forces perhaps larger and certainly more flexible than the forces required by the Bottom-Up Review. The QDR strategy maintains the requirement to prepare for two major regional conflicts, now called major theater wars, and adds to that requirement the need to shape the environment, respond to lesser crises, and prepare for the future. It cannot be done with less. Yet, the QDR is, by all accounts, looking for cuts in the size of the force structure. Indeed, the draft statement of strategy to which I have been referring hints at reasons for cutting forces, despite the strategy.

One way to cut, it says, would be to rely more on reserves. Another is to rely more on allies. I believe that these are merely transparent excuses for making reductions in forces required by budget constraints and not driven by considerations of strategy. The bulk of reserve forces are already built into war plans in a wholly integrated fashion, and other forces constitute a valuable strategic reserve. To depend on al-

lies to be able to carry out our own strategy is the height of folly. At the very least, dependence on allies may force us to limit our strategic goals or make us hesitant to act.

□ 1430

Also, it is not clear that we can depend on the allies to provide forces of the quality we maintain in our own forces. We can and should expect the allies to contribute in the event of major conflicts, as they did during the Persian Gulf war, but we cannot afford to assume allied participation in making our own plans. The strategy emerging from the QDR is appropriately broad and demanding. The remainder of the QDR should address frankly what forces and what weapon investment are needed to carry it out.

Mr. Speaker, the time is now for the Congress to learn from the past and not repeat the mistakes of our predecessors, mistakes that allowed unpreparedness and led to battlefield disasters such as the costly defeat at Kasserine Pass in North Africa in World War II and the destruction of Task Force Smith in the Korean war. Such unpreparedness is paid for in the blood and lives of young Americans.

The warning of Major, later General, George C. Marshall in 1923, though not heeded by his generation, should be heard by our generation. This Congress must not fail in this responsibility.

Mr. Speaker, the 1923 Marshall speech follows for the RECORD.

(By Major George C. Marshall, Jr.)

Mr. President and Gentlemen:—

I must ask your indulgence this afternoon because, until General Gignilliat requested me to make this talk the latter part of the morning, I had no expectation of participating in this meeting.

You gentlemen, I am sure, are all interested in the National Defense, and I would like to talk to you for a few minutes regarding the effect of our school histories on this question.

The Army, which is the principal arm we depend upon for the defense of the country, can hardly be called the result of a slow growth. Its history has been a series of ups and downs, a continuing record of vicissitudes, with which you may be somewhat familiar in more recent years, but I cannot believe many people understand or are aware of what has happened in the past, because it seems improbable that what has happened should continue to happen if our citizens were familiar with the facts.

In looking back through the history of the infantry component of the Regular Army, we find that from the earliest days of this country, it was materially increased in strength and drastically reduced with somewhat monotonous regularity. From eighty men immediately after the Revolutionary War, it was increased to sixteen regiments, about as many regiments of infantry as we have today. In 1798, two years later, it was reduced to eight regiments. With the War of 1812, it was increased considerably and then decreased immediately afterwards. I am not talking about the temporary army, but the Regular Army. Another increase came during the Mexican War, about trebling its size; and immediately thereafter came the inevitable reduction. In the early months of the Civil War it was increased from about eight

regiments to sixteen. But the odd phase of this policy develops in 1866. Then the war was over, but the infantry was increased to forty-six regiments, and suddenly, but a few years later, reduced to twenty-five regiments, with which we entered the war with Spain. In 1901, this number was increased to thirty. Just before our entry into the World War, Congress provided for sixty-five regiments. Thereafter you cannot get an accurate parallel, because the Congress varied its method. Instead of authorizing regiments, it gave us numbers.

When the World War was over, in the summer of 1920, they gave us 285,000 men. Nine months later this was cut to 175,000. Three months later, came a cut to 150,000; followed six months later by a further cut to 125,000. And just by the skin of our teeth we got through this last Congress without a further cut to 75,000.

The remarkable aspect of this procedure to me, and I think to any one, is that both increases and reductions should have been order after the war was over and all within a brief period of time, which can be measured in months. A decrease following the establishment of peace is readily understood, but the combination of two diametrically opposed policies is difficult to comprehend.

In searching for reasons to explain this inconsistency, it appears that when the war was over every American's thoughts were centered on the tragedies involved in the lessons just learned, the excessive cost of the war in human lives and money. So the Congress, strongly backed by public opinion, determined that we should be adequately prepared for the future, and accordingly enacted a law well devised for this express purpose. However, in a few months, the public mind ran away from the tragedies of the War and the reasons therefor, and became obsessed with the magnitude of the public debt and the problem of its reduction. Forgetting almost immediately the bitter lesson of unpreparedness, they demanded and secured the reduction of the Army, which their representatives had so recently increased for very evident reasons. Now what has occurred but recently has many precedents in the past. There are numerous ramifications of the same general nature, but the astonishing fact is, that we continue to follow a regular cycle in the doing and undoing of measures for the National Defense. We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done.

Careful investigation leads to the belief that this illogical course of action is the result of the inadequacies of our school histories so far as pertains to the record of our wars, and in a measure, to the manner in which history is taught. During the past few months, the War Department has been concerned as to what might properly be done to correct the defects in the school textbooks which are now being published. Naturally, it is a matter that must be handled very carefully. The Department is loathe to take any positive action, because immediately the Army would be open to the criticism of trying to create a militaristic public opinion. Furthermore, criticism of the existing textbooks would probably arouse the hostility of the publishers, and particularly, of the authors.

Following a discussion between General Pershing and a prominent publisher, several of the more recent school histories were submitted to the Historical Section of the War College, and each reviewed by a number of specially qualified officers. When these reviews were assembled and digested, it became apparent that what had been done in the past, was again in the process of repetition. A reading of these reviews convinces

one that our military history would probably suffer another repetition.

It is apparent that you can talk about the present National Defense Act as much as you please and of the scheme of military education provided in the Reserve Officers' Training Corps Units, etc., but we will repeat our errors of the past unless public opinion is enlightened, and public opinion in these matters depends in a large measure on the written word of our histories, except for a few months immediately following such a National calamity as the World War. It is almost purposeless for the War Department to attempt to make an impression on Congress which is not in accord with public opinion.

When a boy goes to school he studies history. Thereafter I believe less than five per cent of the men of the country continue this study. You gentlemen are of a class apart, and if you were not familiar with the important facts of our military history, certainly no other class of men will be. The lasting impression of the American man on what has happened in the past, is absorbed from his school history. I remember studying Barnes' American History, and I still have, I suppose, the same feeling I acquired then regarding the English nation and the British Army, so depicted in Revolutionary days. In the course of my present occupation it has become necessary for me to learn something of the actual facts in the case, which I have found are often strikingly at variance with many of the ideas Mr. Barnes implanted in my mind.

You gentlemen are no doubt familiar with most of these facts, but I believe there are some of them of which even you are not aware. Certainly the average man is in the dark as to the difficulties our military leaders have invariably encountered. Take the history of the Revolutionary War for example; I imagine there are but few men today who have even a vague idea of Washington's troubles in maintaining his Revolutionary Army,—what they actually were and the causes that lay behind them. Virtually the same difficulties continued to arise in the history of our army and with the same basic reason for their recurrence. Is the average boy given an idea of the lessons of these incidents?

What has the American youth been taught of the War of 1812—that it was one of the most ignominious pages in our history,—wonderful on the sea, splendid at New Orleans,—but in almost everything else, a series of glaring failures and humiliating occurrences? Were you given any such idea as this? In the Mexican War the operations of our armies were carried out in very shipshape fashion, thanks to a long period in which to prepare. But I doubt if there are more than a few people who know that after the capture of Vera Cruz, General Scott's army, preparing for its advance to Mexico City, was well nigh emasculated and rendered impotent by the policy of the Government which permitted a large proportion of the Volunteers to secure their discharges and return home. It has been alleged that this course was intended to wreck any political aspirations of General Scott. But it was an American army on foreign soil far from home, that was imperiled in this fashion.

We find almost an exact repetition of this incident in the Philippines in 1899, when the obligation of the Government to return home the state volunteer troops, left a small force of the Regular Army besieged in Manila until fresh quotas of volunteers could be raised in the United States and dispatched seven thousand miles to its support. We do not realize how fraught with the possibility of National tragedy were these occurrences. Think what the result might have been had our opponent been efficient and made us pay the penalty for such a mistaken policy.

Until recently the Civil War formed the major portion of our military background. In your study of the history of that period was your attention drawn to any conclusions? As to why, for example, the North experienced so many difficulties and failures during the early years of the war, and the South was so uniformly successful? There are very definite reasons for this and therefore, lessons to be drawn, but the one time school boy when he casts his vote at the polls, or represents his District in Congress, must as a rule, base his action on false and misleading premises.

Popular American histories of the World War would more than startle the German reader. It is possible that he might think he was reading of some other struggles in which his country had no part. I will venture the assertion that for every boy who comes out of our public schools realizing that over a year elapsed before America's soldiers could make their first attack on the enemy,—for every youth so informed, there will be a thousand whose attention is not called to this, but who can recite the date on which we entered the war. This may seem a small matter, but it will have a definite effect on every paragraph of legislation attempted for the National Defense.

We talk of Valley Forge in Revolutionary days, and do not realize that American soldiers experienced something very like Valley Forge over in France in the fall of 1917. I have seen soldiers of the First Division without shoes and with their feet wrapped in gunny-sacks, marching ten or fifteen kilometers through the ice and snow. You do not have to go back to Washington's army at Valley Forge for a period of hardships experienced, because of unpreparedness. I have seen so many horses of the First Division drop dead on the field from starvation, that we had to terminate the movements in which they engaged. One night I recall Division Headquarters being notified that the troops in an adjacent village were out of rations and the animals were too weak to haul the necessary supplies. The question to be derived was, should the men be marched to the rations and the animals left to die, or would it be possible to secure other transportation. That was in the fall of 1917. It was a small matter but it reflects the general condition of unpreparedness with which we entered the war, and it was only the strength of our Allies who held the enemy at bay for more than a year, that enabled us to fight the victorious battles which ended the war. The small boy learns that we were successful in the end, but he is carefully prevented from discovering how narrow has been the margin of our success. Good luck has always seemed to be with us and the attending circumstances seem to prove Bismarck's saying that "God takes care of the fools in the United States."

Some of these days, now that we are a dominant, if not the dominant power in the world, we may have to make good without Allies or time or fortuitous circumstances to assist us.

There seems to have been a conspiracy to omit the pertinent facts or the lessons of our military history which would prepare the boy to be an intelligent voter or legislator. So long as this is the case, we will continue in a series of the errors I have been describing.

The study of ancient history reveals innumerable occurrences which have that exact parallel in modern times. There must be some lesson to be drawn. For example: General Pershing recently called attention to the fact that while the Peace Conference was sitting in Paris in 1919, building up the Treaty which we did not accept, there were English soldiers at Cologne, American soldiers at Coblenz, and French soldiers at Mayence,

and a general reserve at Treves, (General Pershing's own Headquarters). Eighteen hundred years before, during a prolonged peace, Roman Legions were stationed at Cologne, Coblenz and Mayence, with a reserve of ten thousand at Treves. The setting was identical with the recent deployment of the Allied troops along the Rhine. There must be some lesson to be drawn from this repetition of history, that is of much more moment than a recollection of the date of the signing of the Peace Treaty.

The other day I had occasion to look up something regarding Phillip Sheridan, who was one of the five Generals of the Army, of which General Pershing is the most recent, and General Washington was the first. After locating my information, I read a little further and came across, what to me, was a most remarkable coincidence.

General Sheridan after the Civil War was sent abroad to observe the operations of the Prussian Army in the Franco-Prussian War. He joined the Staff of the Emperor William west of Metz on the eve of the Battle of Gravelotte. The day after this fight, riding in the carriage of Bismarck, he drove through Point-a-Mousson. This town was the right flank of the American army in the St. Mihiel operation. Turing west, Bismarck and Sheridan drove on to Commercy and were billeted there for the night. They followed the exact route of the American troops being transferred from the St. Mihiel front to the Meuse-Argonne. From Commercy, Sheridan passed on to Bar-le-Duc, and he describes how he stood on a little portico of that town and watched the Bavarians marching through the Central Place as they turned north towards the Argonne in the great maneuver to corner McHahon's French Army on the Belgian frontier. American troops followed this same route and executed the same turn to the north, and I happened to have watched them pass through the Central Place of Bar-le-Duc. With Bismarck, Sheridan drove north to Clermont, following the principal axis of the advance taken by the American army in September, 1918. After a night's billet in that village, they drove through a series of towns, later to be captured by the Americans from Bismarck's descendants, and billeted in Grandpre at the other tip of the Argonne Forest.

Now comes a more remarkable coincidence. General Sheridan describes how he drove from Grandpre through the Foret de Dieulet into Beaumont, where a French division had on that morning been surprised and captured by the Germans. This was the opening phase of the Battle of Sedan. Our Second Division passed through that identical Forest at night and surprised Germans at roll call in the early morning in the streets of Beaumont.

Accompanying the entourage of the Emperor William, General Sheridan pressed on to Wadelincourt, and from a hilltop nearby looked down across the Meuse at the French Army, cornered but not yet captured, at Sedan. A battalion of the Sixteenth American Infantry on November 7, 1918, pressed forward to that same hill and looked down on the Germans in Sedan. Is not this a remarkable coincidence, and does it not point to the uncertainties of the future and the necessity of being prepared for almost any eventuality?

I hope you will pardon my very disjointed remarks and I deeply appreciate your kind attention. (Applause.)

The President, Dr. Newhall: "Factors Contributing to Morale and *Espirit de Corps*," by General L.R. Gignilliat.

# FEDERAL RESERVE HAS MONOPOLY OVER MONEY AND CREDIT IN UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, today I would like to talk about the subject of monopolies. The American people historically have been very much opposed to all monopolies. The one thing that generally is not known is that monopolies only occur with government support. There is no such thing as a free market monopoly. As long as there is free entry into the market, a true monopoly cannot exist.

The particular monopoly I am interested in talking about today is the monopoly over money and credit, and that is our Federal Reserve System.

The Federal Reserve System did not evolve out of the market, it evolved out of many, many pieces of legislation that were passed over the many years by this Congress. Our Founders debated the issue of a central bank and they were opposed to a central bank, but immediately after the Constitutional Convention there was an attempt to have a central bank, and the First Bank of the United States was established. This was repealed as soon as Jefferson was able to do it.

Not too long thereafter the Second National Bank of the United States was established, another attempt at centralized banking, and it was Jackson, who abhorred the powers given to a single bank, that abolished the Second National Bank.

Throughout the 19th century there were attempts made to reestablish the principle of central banking, but it was not until 1913 that our current Federal Reserve System was established. Since that time it has evolved tremendously, to the point now where it is literally a dictatorship over money and credit.

It works in collaboration with the banking system, where not only can the Federal Reserve create money and credit out of thin air and manipulate interest rates, it also works closely with the banks through the fractional reserve banking system that allows the money supply to expand. This is the source of a lot of mischief and a lot of problems, and if we in the Congress could ever get around to understanding this issue, we might be able to do something about the lowering standard of living which many Americans are now suffering from. If we are concerned about repealing the business cycle, we would have to finally understand the Federal Reserve and how they contribute to the business cycle.

Recently it has been in the news that Alan Greenspan had raised interest rates, and he has received a lot of criticism. There were some recent letters written to Greenspan saying that he should not be raising interest rates. That may well be true, but I think the more important thing is, why does he

have the power? Why does he have the authority to even be able to manipulate interest rates? That is something that should be left to the market.

Not only is this a monopoly control over money and credit, unfortunately it is a very secret monopoly. Mr. Speaker, I serve on the Committee on Banking and Financial Services and I am on the Subcommittee on Domestic and International Monetary Policy, and I myself cannot attend the open market committee meetings. I have no access to what really goes on. I have no authority to do any oversight. There is no appropriation made for the Federal Reserve.

The recent news revealed that the chief of the janitorial services over at the Federal Reserve makes \$163,000 a year, and yet we have no authority over the Federal Reserve because it is a quasi-private organization that is not responding to anything the Congress says. Yes, they come and give us some reports about what they are doing, but because Congress has reneged, they no longer have much to say about what the Federal Reserve does.

This, to me, is pretty important when we think how important money is. If they have the authority to manipulate interest rates, which is the cost of borrowing, which is the price as well as the supply of money, this is an ominous power because we use the money in every single transaction. It is 50 percent of every transaction. Whether it is the purchase of a good or whether it is the selling of our labor, it is denominated in terms of what we call the dollar, which does not have much of a definition anymore, and yet we have reneged on our responsibility to monitor the Fed to determine whether or not this dollar will maintain value.

Things have not always been this bad, and it did not happen automatically in 1913 when the Federal Reserve was established. It took a while. But it is worse now than it has ever been. Matter of fact, a well-known former Chairman of the Federal Reserve, William McChesney Martin, had interesting comments to make about this very issue in 1953. Mr. Martin said this: "Dictated money rates breeds dictated prices all across the board."

Well, it is abhorrent to those who believe in free enterprise and the marketplace. He goes on to say, "This is characteristic of dictatorship. It is regimentation. It is not compatible with our institutions."

So here we have a former Chairman of the Federal Reserve System coming down very hard on the concept of control of money and credit, and yet today it is assumed that the Federal Reserve has this authority. And so often it gravitates into the hands of one individual.

So those who are levying criticism toward the Federal Reserve today are justified, but if it is only to modify policy and not go to the source of the problem, which means why do they have the power in the first place, it is

not going to do much good. So we will have to someday restore the integrity of the monetary system, and we have to have more respect for the free market if we ever expect to undertake a reform of a monetary system which has given us a great deal of trouble, and it is bound to give us a lot more trouble as time goes on.

How will this be done? Some argue that the Federal Reserve is private and out of our control. That is not exactly true. It is secret, but it is a creature of Congress. Congress created the Federal Reserve System and Congress has the authority to do oversight, but it refuses and has ignored the responsibility of really monitoring the value of our currency and monitoring this very, very powerful central bank.

There is no doubt in my mind and in the minds of many others that this has to be done. To say that we must just badger a little bit to the Fed and to Mr. Greenspan, and say that interest rates should be lowered or raised or whatever, and tinker with policy, I think that would fall quite short of what needs to be done.

What is the motivation behind a Federal Reserve System and a central bank? Indeed, there is some very interesting motivation because it does not happen accidentally. There is a good reason to have a central bank that has this power to just with a computer create billions of dollars. It is not an accident that Congress more or less closes their eyes to it.

Between 1913 and 1971 there were a lot more restrictions on the Federal Reserve to do what they are doing today, because at that time we were still making a feeble attempt to follow the Constitution. The dollar was defined as the weight of gold. There were restrictions in the amount of new money and credit one could create because of the gold backing of the currency.

Although Americans were not allowed to own gold from the 1930's to 1971, foreigners could. Foreigners could come in and deliver their dollars back onto the United States and say, "Give us \$35 an ounce." But that was a fiction, too, because by that time we had created so many new dollars that the market knew that it took more dollars to get one ounce of gold. In the process, we gave up a large portion of our gold that was present in our Treasury.

Why would the Congress allow this and why would they permit it? I think the reason is Congress likes to spend money, and many here like to tax, and they have been taxing. But currently, today, the average American works more than half the time for the Government. If we add up the cost of all the taxes and the cost of regulations, we all work into July just to support our Government, and most Americans are not that satisfied with what they are getting from the Government.

The taxes cannot be raised much more, so they can go out and borrow money. The Congress will spend too



much because there is tremendous pressure to spend on all these good things we do; all the welfare programs, and all the military expenditures to police the world and build bases around the world. It takes a lot of money and there is a lot of interest behind that to spend this money.

So, then, they go and spend the money and, lo and behold, there is not enough money to borrow and not enough tax money to go around, so they have to have one more vehicle, and that is the creation of money out of thin air, and this is what they do. They send the Treasury bills or the bonds to the Federal Reserve, and with a computer they can turn a switch and create a billion or \$10 billion in a single day and that debases the currency. It diminishes the value of the money and alters interest rates and causes so much mischief that, if people are concerned about the economy or their standard of living or rising costs of living, this is the source of the problem.

So it is not only with the Federal Reserve manipulating the money and the interest rates, but the responsibility falls on the Congress as well because the Federal Reserve serves the interests of the Congress in accommodating the Congress as we here in the Congress spend more than we should.

Before 1971, when there were still restraints on the Federal Reserve, there was not as much deficit spending. Since that time, since the breakdown of the final vestiges of the gold standard in 1971, we have not balanced the budget one single time. So there is definitely a relationship. Now we have a national debt built up to \$5.3 trillion, and we keep borrowing more and more.

We have a future obligation to future generations of \$17 trillion, and this obligation is developed in conjunction with this idea that money is something we can create out of thin air. Now, if it were only the accommodation for the excess spending that was the problem, and we just had to pay interest to the Federal Reserve, that would be a problem in itself but it would not be the entire problem that we face today and that we face in the future.

As the Federal Reserve manipulates the economy by first lowering interest rates below what they should be and then raising interest rates above what they think they should be, this causes the business cycle. This is the source of the business cycle. So anybody who is concerned about unemployment and downturns in the economy and rising costs of living must eventually address the subject of monetary policy.

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As a member of the Committee on Banking and Financial Services, I am determined that we will once again have a serious discussion about what money is all about and why it is so important and why we in the Congress here cannot continue to ignore it and believe that we can endlessly accommodate deficits with the creation of

new money. There is no doubt that it hurts the working man more so than the wealthy man. The working man who has a more difficult time adjusting to the rising cost of living is now suffering from a diminished standard of living because real wages are going down.

There are many, many statistics now available to show that the real wage is down. Between 1973 and 1997, the wages of the working man has gone down approximately 20 percent. This has to do with the changes in the economy, but it also has to do with changes in the value of the currency and the wages do not keep up with the cost of living.

The increase in the supply of money is called inflation, even though there are not very many people in the news world or here in the Congress would accept that as a definition, because everybody wants to say that inflation is that which we measure by the Consumer Price Index.

The Consumer Price Index is merely a technique or a vehicle in a feeble attempt to measure the depreciation of our money. It is impossible to measure the money's value by some index like the Consumer Price Index. There are way too many variables because the individual who is in a \$20,000 tax bracket buys different things than the individual who is in a \$200,000 tax bracket. Wages are variable and the amount of money we borrow, the amount of money we spend on education as well as medicine varies from one individual to another. So this Consumer Price Index which we hang so much on is nothing more than a fiction about what we are trying to do in evaluating and accommodating and adjusting to the depreciating value of the dollar.

The critics of the Fed are numerous, as I said. The recent criticism has erupted because a few weeks ago, after warning of about 3 or 4 months by the Chairman of the Federal Reserve that interest rates were going to go up and, lo and behold, he did. The overnight interest rates that banks pay to borrow money just to adjust their books went up one-fourth of 1 percent. This is very disturbing to the markets. But Alan Greenspan mentioned this for 3 or 4 months. He started talking about the threat to the marketplace and the threat to the stock market back in December. But instead of him being entirely in control as he would pretend to be, actually market interest rates were already rising. Because if we look carefully at the monetary statistics from December up until the time he raised interest rates, he actually was doubling the growth of the money supply.

What does this mean? This means that there were pressures already on rising interest rates, and the way to keep interest rates down is to create more and more money. It is the supply-and-demand effect. So if you have more money, make it more available, interest rates come down. So this was his attempt to keep interest rates down rather than him saying, today we have to have higher interest rates.

But the real problem is why does the Federal Reserve have this much power over interest rates? In a free market, interest rates would be determined by savings. People would be encouraged to work, spend what they want, save the rest. If savings are high, interest rates go down, people then are encouraged to borrow and invest and build businesses. But today we have created an environment that there is no encouragement for savings, for tax reasons and for psychological reasons, very, very little savings in this country. Our country saves less money than probably any country in the world. But that does not eliminate the access to credit. Because if the banks and the businesses need money, the Federal Reserve comes along and they crank out the credit and they lower the interest rates artificially, which then encourages businesspeople and consumers to do things that they would not otherwise do.

This is the expansion or the bubble part of the business cycle, which then sets the stage for the next recession. So people can talk about how to get out of the next recession when the next recession hits and they can talk about what caused it, but the next recession has already been scheduled. It has been scheduled by the expansion of the money supply and the spending and the borrowing and the deficits that we have accumulated here over the last 6 to 8 years. And so, therefore, we can anticipate, and we in the Congress will have to deal with it, we anticipate for the next recession.

But unfortunately, because we do not look at the fundamentals of what we have done and the spending and the deficits, the next stage will be what we have done before. That is, if unemployment is going up, the government has to spend more money, there has to be more unemployment insurance. We cannot let people suffer. So the deficits will go up, revenues will go down and as we spend more money to try to bail ourselves out of the next recession, we will obviously just compound the problems because that is what we have been doing for the past 50 years. We have not solved these problems.

As a matter of fact, what has happened, because we eventually get the economy going again, what we do is we continue to build this huge financial bubble which exists today. It is a much bigger bubble than ever existed in the 1920's, it is international in scope and it is something never experienced in the history of mankind. Yet we have to face up to this, because when that time comes, we have to do the right things.

The 64 Members of Congress recently that signed the letter to Alan Greenspan said, Mr. Greenspan, you should not raise interest rates. Of course I just mentioned that maybe interest rates were rising, anyway, maybe he was accommodating the market pressures. But when 64 Members of Congress write to Greenspan and say do not let interest rates rise, or lower interest rates,



what they are really saying is crank out more money, because if there is a greater supply of money, then interest rates will be lower and everybody is going to be happy. That is true, for the short run. On the long run, it causes very serious problems.

Stiglitz, who used to be the chairman of the council of economic advisers, is a very strong critic of Alan Greenspan right now. He said that there are no problems, there is no cliff we are about to go over, do not worry about the future. I do not fault Mr. Greenspan's concern, believe me. I think he knows what is coming and why adjustments have to be made. But his critics are saying, when they talk about do not raise interest rates, what we have to remember is what they are saying to him is make sure there is more inflation, more money, lower interest rates and, of course, that will add to our problems in the future.

Not only do we have Members of Congress telling the Fed what to do, and the former Chairman of the Council of Economic Advisers telling them, many others all have an opinion on what to do, but nobody really asks the question, why are they doing all this in secret and where did they get all this power and why do we tolerate this system of money?

Even the IMF, something I am very much concerned about is the internationalization of our credit system, the IMF now has issued a recent report, but they do not agree with the 64 Members of Congress and they do not agree with the critics who say lower interest rates, create more money. They are saying to our Federal Reserve, you are creating too much money and you are having too much growth. Who ever heard of anything like too much growth? What is wrong with too much growth? Some people think that too much growth causes inflation, which is an absolute fallacy. If there is a lot of growth and a lot of production, prices would come down. Prices go up when the value of the money goes down. But the IMF is saying that should not even be involved in our domestic policy, and they are more involved than ever before, they are telling our Fed, this is good, what you are doing is good, keep raising your interest rates, turn off the economy, have a little slump here.

We do not need that kind of advice from somebody. We have enough problems taking advice from our own people and our own Congress about what has to happen, but we certainly do not need the advice from the IMF telling us that we ought to have more inflation, that we should involve overheating and that for some reason growth is bad. In a free market, sound monetary system, growth is good. If you have sound money and you have economic growth of 6 or 7 or 8 percent a year, you do not have inflation. That does not cause the inflation. It is only the debasement of the money that causes prices to rise.

Why do we hear so much concern about interest rates and price? Well,

there is a specific reason for this according to some very sound economic thinkers, and, that is they would like for us here in the Congress to think only about prices, either the price of money, which is the interest rate, or other prices, because so often it leads to the conclusion that, well, maybe what we ought to do is have price controls, which they tried in the early 1970's and it was a total disaster, but this is essentially what we have in medicine today.

We create new credit, the money goes in certain areas, the Government takes this money and channels it into education in medicine, so you have more price inflation. So what do you do? You have price controls. That is what is going on. That is what we are having today in medicine, rationing of health care. That is what managed care is all about. Patients suffer from this because they have less choices, and they do not have as much decisionmaking on what care they are going to get. This is a consequence of Government manipulation of money and credit.

Those who want to perpetuate this system do not want us to think of the real cause, and that is, the real cause is the monetary system. They would like us to think about the symptoms and not the cause, because it is not in the interest of a lot of people, not only not in the interest of the big spenders here in the Congress who love the idea that the Federal Reserve is able to accommodate them on deficits, but there are business and banking interests and international interests and even some military production interests who like the idea that the credit is readily available and that they will be accommodated. The little guy never benefits. The little guy pays the taxes, he suffers from the inflation, he suffers from the unemployment, but there is a special group of people in an inflationary environment that benefits. Today of course there are a lot of people on Wall Street benefiting from this environment.

If this type of system were real good, we would all be very, very prosperous, and if we listened to the Government statistics, we would say there are no problems in this country. But I know differently. A lot of people I talk to, they tell me they are having a lot of problems making ends meet. Sometimes they work two and three jobs to get their bills paid. It is not all feminism that makes women go to work. A lot of women go to work because they have to do it to make ends meet and take care of their families. So there are a lot of problems.

But one key point that I think is important and, that is economic growth. If we have no economic growth and there is no productivity growth, we cannot maintain the standard of living, we cannot have increasing wages. If you do not produce more, you cannot have wages going up.

Unfortunately, that is where we are really hurting in this country. We are

living prosperously because we borrow a lot of money, by individuals, by corporations, and our Government borrows a lot from overseas. But we are not producing. Productivity growth in the last 5 years has averaged 0.3 percent. This is very, very low. It is equivalent to what happened before the Industrial Revolution, and it is going to lead to major problems in this country unless we understand why we are not producing as we had in the past. We need to address this if we have any concern about the people who suffer from these consequences.

The economic growth is slow. Predictions are that they, according to the Government statistics, are going to slow even more in time, whether it is the end of this year or next. We will have a recession. Even by some Government statistics now, we are seeing signs that there is a rising price level in some of our commodities. There is belief that these prices will go up and we will be suffering more so, even measured by the Consumer Price Index. This story that is being passed out here in the Halls of Congress and in other places in Washington that we do not have to worry about the Consumer Price Index, it overstates inflation, therefore we can make the adjustment, I do not think that is correct at all. I think the Consumer Price Index probably way underestimates inflation. If you have private sources, there are many people who suffer the cost of living much higher than the 3 or 4 percent that the Government reports. But there are some commodity indices that in the past 2 years have gone up over 50 percent. This is a sign of the consequence of the inflating of the money supply and it is starting to hit, or will hit some of our consumer products, because it is already hitting our commodities.

This idea that if there is a sign that prices are increasing, what we have to do is take it under control and we have to suppress economic growth and raise interest rates, this says something about our policy that shows the lack of understanding. Because if we look at all the recessions that we have had since World War II, in spite of the seriousness of many of these recessions, prices still go up.

The one that we remember most clearly is in the 1970's, where they even coined the word "stagflation." This is not an unheard of economic phenomenon. It is very frequent in many other nations, where you have a lot of inflation and poor economic growth. We have not had a serious problem with that, but it is very likely that that is eventually what we will get, because we have absolutely no backing and no restraint on our monetary system.

□ 1500

When we have an economic and monetary system as we have today, I mention how it encourages Congress to spend beyond its means. It spends too much, it borrows too much, it inflates

too much, and it leads to serious long-term problems, that as long as you can borrow again and borrow again, you sort of hide the problems, delay the consequences of the problem and prevent the major correction that eventually comes.

But what have the American people been doing? Well, they have been encouraged by this. They see the credit is available out there. They keep borrowing, living beyond their means. Government lives beyond their means, and individuals live way beyond their means.

But some of the statistics are not very good about what is happening with our consumers, the American citizens. In 1996 personal bankruptcies were up 27 percent. It is at record high; well over a million bankruptcies were filed in 1996. This is a reflection of loose credit policies, but it also is a reflection of a moral attitude.

There was a time in our history where bankruptcy was looked down upon, that we had a moral obligation to do our very best. If we have a bad turn in our businesses, what we did was we notified everybody, we went back to work, and we systematically did our very best to pay off all our debts. There is no incentive for that today. So it is very easy today to see the bankruptcies filed, and they are increasing rapidly. I suspect that they are going to continue to increase even more dramatically.

Credit card delinquencies are at an all time high. They were at 3.72 percent in 1996, and those who are late payments, they are also a historic high, well over 5 percent. So the credit conditions of this country are not very good.

Now what do we see as the signs of things changing to sort of take care of this problem? So far, not too many good things happening. In 1995, the latest year we have measurements for, we find out that credit card issuers, credit card companies, issued 2.7 billion credit cards, preapproved. Preapproved credit cards, 2.7 billion, and it was equivalent to sending every single American between the ages of 18 and 64, 17 preapproved credit cards. Nothing like throwing out the temptation there, and many Americans fall into the temptations. Congress does it. They keep borrowing, and they exist. So the individual keeps borrowing, takes another credit card, rolls them over.

Eventually, though, the banker will call. The banker will call the individual. Who calls the Congress? Who calls a country when it spends beyond its means and it is way past the time when they should be cutting back? The problem that develops then is not so much that the Government, our Government, quits taxing and quits paying the bills. We will always do that. We have control over that because we now have this authority by Federal Reserve to create the money. The checks will always come.

The one thing that we do not have in the Congress and we do not have in the

Federal Reserve, and the President does not have, is to guarantee the value of the money, and that is the problem. Today all we hear about is the strength of the dollar, but if you look at the dollar from 1945 on, the dollar is on a downward spiral, and we are on a slight upward blip right now. Ultimately the dollar will be attacked by the marketplace, and it will be more powerful than any of the policy changes that our Federal Reserve might institute.

There is a couple other things that have happened in our financial system that is different than in the other ones. Some would argue with me and say you are concerned about the supply of money and credit. Well, I can show you a statistic measured by M-1, M-2 and M-3, and the money supply is not going up all that rapidly. And this is the case compared to other times, that money supply as measured by the more conventional methods are not—those measurements are not going up as rapidly as they have in the past. But there are other things that can accommodate the lack of expansion of money as measured by, say, M-2 and M-3.

First, if an individual has an incentive not to hold the money and save the money, but spend their money the day they get it, that is called the velocity or the propensity to spend the money, and if you use it more often, it is like having more dollars, and that is one statistic that has gone up dramatically. Between 1993 and 1996 it has gone up 45 percent, so there is more desire to take the money and spend it, and it acts as if there is a lot more money, and we will also put pressure on the marketplace and cause the distortions that can be harmful.

The other thing that we have going that is different than ever before is that because there is no definition of the money, the dollars, no definition of the dollar, we have introduced the notion of all kinds of hedges and all kinds of speculation, and some serve financial and economic interests to do hedging, but because there is no soundness to the currency there is a greater need all the time to hedge and to try to protect against sudden changes. Some of that would be economically driven, but other activity of that sort is driven by speculation.

So in an age when you have tremendous excessive credit, money and credit, you have more speculation. Consumers speculate they spend too much money, a businessman speculates, invests in things he probably should not, but also governments do the same thing. They spend money that they should not have.

But in this area of derivatives, we have things like swaps and futures and options, repos, and the foreign currency market. Right now there is \$20, \$21 trillion worth of these derivatives floating around out there outside of the measurement by our conventional money supply, which means that this participates in this huge financial bubble that exists around the world.

There is also a measurement that we make on a daily basis which is called through the clearinghouse interbank payment system, and this is all the electronic money that is traded throughout the world every single day, and this again reflects how quickly we are spending our money and how fast we are circulating and how quickly it moves among and through our computers. Today it is estimated that \$1.4 trillion is transferred over the wire service.

Now, if there were a sound dollar and it was created only with a proper procedure rather than out of thin air, this would not be as bad, but the fact that this is contributing toward a financial bubble I think is a very, very dangerous condition.

We live in an age called the Information Age; we live in a computer age, and this technology is all very, very helpful to us. As a matter of fact, it has served us in many ways to accommodate this age of the paper money systems of the world. No money is sound today in history in the entire world. So there is what we call the fluctuating currency rates. Every single day, every single minute, the value of the dollar versus the yen, versus the mark, versus the pound is changing instantly.

Now in the old days each currency was defined by a weight of gold. There was less speculation even though under those conditions governments manipulating, and there were periodic times when certain countries would have to devalue. But now the computer system has really been a free market answer to those individuals who like the system, and it does work, it does work to a large degree for a time. But it also allows the system to last longer, and it allows us to create more of this financial bubble.

This is why we have been able to go along with the system of government where we have made commitments to our future generations of \$17 trillion; otherwise we could not have made these commitments that would have had to be a correction. We would have had to cut back and live within our means, just as individuals do; they have to live within their means, and they have to live probably less high than they were when they were borrowing all the money. A country will have to do that, too, that has lived way beyond its means, and this is why what we are doing is so dangerous.

The fact that we had these floating exchange rates for years has permitted many of our paper currencies to last a lot longer than they otherwise would have. We in the United States have a dollar which is considered the reserve currency in the world which lends itself to even more problems because the dollar is held in higher esteem and it is considered the reserve that other countries are more willing to hold, and this came out of the World War II because we had essentially all the gold, the dollar was strong, our economy was

strong, so the dollar was good as gold. So people took dollars and they would hold them, and they still do that to a large degree today.

So what does that encourage us to do? It encourages here in the Congress and elsewhere to create this debt, and then as the money circulates, we go and we say, oh, we have a lot of credit, we can borrow this money, we will buy foreign products, and that is what we do. We buy a lot of foreign products, and everybody is decrying, you know, this foreign deficit. We owe more money to foreigners and we have a greater foreign deficit than any other country in the world, and it is encouraged because they are willing to take our dollars, and we are willing to spend the money and we are willing to run up these deficits and not worry about the future.

But where do these dollars go? They go into the central banks, they buy our Treasury bills, and they are quite satisfied at the moment. But when they get unsatisfied and dissatisfied with it, they are going to dump these dollars, and they will come back. But the trade deficit is running more than a hundred billion dollars a year, which means we buy more products from overseas than we sell to the tune of a hundred billion dollars.

This in many ways has allowed our Federal Reserve to get off the hook a bit because if we had a \$100 billion that nobody wants to loan us and they had to create that new money, that would be very, very damaging to the psychology of our market, and it would be very, very inflationary. So it is still inflationary, but it is delayed. So as long as foreigners will take our dollars and let us buy their goods and we live beyond our means and hold our dollars and we keep creating new money and paying the interest, this thing could go on for a while. But eventually though in all monetary systems which are based on fiat, the creation of money out of thin air, eventually comes to an end, and when it comes to an end, there is the rejection of the dollar, and then the dollars come home, interest rates will go up, inflation will be back with a vengeance, and there will come a time, and nobody knows when that time will come, it will not be because of us in the Congress being very deliberate and very wise to all of a sudden live within our means, but we will be forced to live within our means because those who want to loan the money to us and the value of the money will change, that there will just not be enough wealth.

What promotes all this? Well, what is the grand illusion that allows us to get ourselves into such a situation? Well, the grand illusion of the 20th century, especially in the latter half of the 20th century, has been that prosperity can come from the creation of credit. Now if you think about it, it does not make any sense if you take a Monopoly game and you create more Monopoly money and pass it out, everybody knows it has

no value. But we have literally endorsed the concept that if we just print money and pass it out, everybody is going to be wealthy, and because it is government and because it was related to a gold standard and because foreigners will take money, this system continues to work because there is still trust in the money.

But eventually this trust will be lost. The wealth cannot be created by creating new money. Yes, if the Federal Reserve prints more money today and hands it to me, I can go spend it and I can feel wealthier. But in the grand scheme of things, you do not create wealth that way, and that is also the reason why productivity growth is down. We do not create it. We have to have incentives, we have to encourage work and effort. That is the only place you can get wealth.

So our taxes are too high, the regulations are too high, we borrow too much money, interest rates are too high, and we discourage savings all because of this monetary system. So eventually we are going to be required to do something about that to restore trust in the money so we do save money so we work harder. But we have to lower taxes, we have to get rid of regulations, we have to get rid of taxes on capital gains and get rid of taxes on savings and interest and get rid of taxes on inheritance. Then people will have more of an incentive to work rather than just to borrow. So the illusion of wealth today is that which comes from a fiat or paper monetary system.

We need today a very serious debate on what the monetary system ought to be all about. It cannot be a debate which is isolated from the role of government. If we have a role of government which is to run the welfare state, to give anything to anybody who needs something or wants something or claims it is an entitlement or claims it is a right, if that is a system of government that we want to perpetuate, it is going to be very difficult to have any reform. If we continue to believe that this country is the policeman of the world, that we must police the world and build bases overseas at the same time we neglect our own national defense, our own borders, our own bases here at home, but we continue to spend money on places, on Bosnia and Africa, and pay for the defense of Japan and Europe; as long as we accept those ideas, there is no way we can restore any sanity to our budget.

□ 1515

So I am suggesting to my colleagues here in the Congress that what we must do is address the subject of what the role of government ought to be. There should be a precise role for government. That is what the whole idea and issue was of the Constitutional Convention as well as our Revolution. We did not like the role of government that the English and the British had given us, and we here in the United States decided that the role of govern-

ment ought to be there for the preservation of liberty.

The role of government ought not to be to redistribute wealth, it ought not to be the counterfeiter of the world, to create money out of thin air. It is illegal for you or I to counterfeit money. Why do we allow the Government to counterfeit the money and make it worthless all the time?

As long as we accept that, we are going to have big problems. But there will be a time coming, and I suggest to all of my colleagues that we be ready for it, because it is so serious. Not only is it a serious threat to our physical and economic well-being, the greater threat is the threat to our individual liberty. As conditions worsen, and when we have to face up to our problems, so often the response is, all we need is another government program. And that is still an attitude that I see all the time around here: if we just have a little more tax money.

Already in this very early Congress, we have had tax increases in spite of the rhetoric against taxes. We have been raising taxes. We have increased the amount of regulations. We have done nothing to really address the subject.

That comes from the fact that we never really ask the right questions. What should the role of government be? The Founders, as they concluded after the Revolution, as they wrote the Constitution, it very clearly was stated that the role of government, especially at the Federal level, ought to be there to protect the individual liberties of all individuals, no matter what. But today, we have lost that as a goal and as a target. We concentrate, whether it is a businessman or the person that is receiving welfare benefits, the concentration is on the material benefits that usually come from a free society in a voluntary way. But today, if anybody wants something or they need something or they think they have a right to it, what do they do; they order a political action committee and come to Washington.

I was gone for a few years. I was here in the Congress in 1976, and, after returning, there is one dramatic difference. There are more lobbyists than ever, more commands, more people coming and more people wanting things. I have more demand from the business community than I do from those who are from the poor end of the spectrum. There is a vicious maldistribution of wealth in a society that destroys its money. Inevitably, if a country destroys its money, it destroys its middle class.

This is what is happening in this country already. The poor, middle class individual who is still proud enough not to go on the dole and not to take welfare, that is the individual who suffers the very most; and he is the one that is most threatened by the loss of a job in the next downturn.

Currently right now, Wall Street, are they suffering from this financial bubble that I see? No. If you are in the

stock market or the bond market or borrowing overseas, they are doing quite well. People say: You worry too much. There is no inflation. No matter what you say about the money supply and all of these things you talk about, there is no inflation, do not worry about it. Inflation deals with money, not prices.

So as I said earlier, I believe prices are going up much faster than people will admit; but at the same time, the supply of money and credit continues to expand. So we will have to eventually address these problems. I think it will be up to us as Members of Congress to at least make some plans. Because if we do not, if we do not make the plans, I see this as a serious, serious threat to our personal liberties.

Mr. Speaker, it will not be a simple reform that we need. We have to do something more than that. We have to start thinking about what do we need to do to really change the course. Is there anything wrong with addressing the subject of individual liberty? Is there anything wrong with talking about the value and the importance of sound money? I claim there is nothing wrong with that, but there is very little debate. There is very little debate among our committee members and in our committees to address this. It is usually, how do we tide ourselves over? How do we modify this so slight a degree?

But the time will come, the time will come, because we will go bankrupt, because no country has ever done this before. No country can live beyond its means endlessly. No country can spend and inflate and destroy its money. There will be this transfer of wealth. It happened in many, many countries in this century. Of course, one example of the 20th century was the German inflation, and then there has to always be a scapegoat. The middle class suffers the most. Somebody has to be blamed.

Currently today, I see a trend toward those of us who advocate limited government, those who detest big government as becoming the scapegoat saying, oh, you individuals who are against big government, you are the people who cause trouble, you cause unhappiness. That is not the case. People are unhappy. I meet them all the time because they are having a difficult time making it in this day and age. Who knows who the next scapegoat will be, but there will be one.

Mr. Speaker, the middle class in America will have to eventually join in the reforms that we need. The reforms can be all positive. There is nothing wrong with advocating limited government. There is nothing wrong in the American spirit to advocate the Constitution. There is nothing wrong with the American tradition that says work is good. And there is something wrong with a system that endorses and encourages and pushes the idea that we have the right to somebody else's life and somebody else's earnings. I do not believe that is the case. I think that is

morally wrong. I do not believe it has been permitted under the Constitution, and it also leads to trouble. If it led to prosperity, it would be a harder argument for me. But if it leads to trouble and it leads to people being undermined in their financial security and in their economic security, then we have to do something else.

I would like to invite those who expressed deep concern about the poor and those who advocate more programs, more welfare programs, I would like to suggest they need to look at monetary policy. They need to look at deficits, and they need to realize that wealth has to be created. And if we truly do care about the poor people in this country, and if we do care about the people trying to build homes, public housing obviously has not worked. We have been doing public houses now and spent nearly \$600 billion, and there is no sign that we have done much for the people that we have given public housing to.

We have spent \$5 trillion on welfare. There are more homeless than ever. The educational system is worse than ever. Yet we do not really say, well, what should we do differently? Sometimes we will say, well, let us take the management and change the management. Let us take the bureaucrats from Washington and put them in the States. Let us do block grants. Let us make a few minor adjustments and everything is going to be OK, and it will not be.

We will not make it OK until we address the subject of what kind of a society we want to live in. I want to live in a free society. Fortunately for me, as a Member of Congress, and as one who has sworn to uphold the Constitution, this is an easy argument. It should be an easy argument for all of my colleagues who would say, yes, I have sworn to uphold the Constitution, I believe in America, I believe in hard work. But why do you vote for all of these other programs? Why do you vote for all of the deficits? Why are we getting ready to vote for more taxes soon? Why are we voting a supplemental appropriation? Why are we doing these things if we really are serious? I have not yet seen any serious attempt to cut back on spending and cut back on taxes.

Mr. Speaker, someday we will have to do it. The sooner, the better. If we do it in a graceful manner, there is no pain and suffering. The American people will not suffer if we cut their taxes. The American people will not suffer if we lower the amount of regulations. The American people will not suffer if we get out of their lives and not give them 100,000 regulations to follow day in and day out. The American people will not suffer if the Federal Government gets out of the management of education and medicine. That is the day I am waiting for and the day I am working for. Hopefully, I will get other Members of Congress here to join me in this effort to support the concepts and the principles of individual freedom.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. CLEMENT.

Mr. STOKES.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. GREENWOOD.

Mr. EHRLICH.

Mr. THOMAS.

Mr. STOKES.

Mr. COYNE.

Mr. CLEMENT in two instances.

Mr. ETHERIDGE.

Mr. FORD.

#### SENATE BILL REFERRED

A bill of the Senate of the following title as taken from the Speaker's table and, under the rule, referred as follows:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage; to the Committee on Banking and Financial Services.

#### ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

#### BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 25, 1997:

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

#### ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 29, 1997, at 12:30 p.m.

#### EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2983. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions [CN-96-007] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms [APHIS Docket No. 95-040-2] (RIN: 0579-AA73) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2985. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Garbage; Disposal by Cruise Ships in Landfills at Alaskan Ports [APHIS Docket No. 93-037-2] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2986. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kaolin; Pesticide Tolerance Exemption [OPP-300477; FRL-5712-8] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxyfluorfen; Pesticide Tolerance for Emergency Exemption [OPP-300478; FRL-5713-1] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxycarb; Pesticide Tolerances for Emergency Exemptions [OPP-300476; FRL-5712-7] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP-300468; FRL-5599-5] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2990. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amendments to the Regulations for the Nonrecourse Cotton Loan and Loan Deficiency Payment Programs [Workplan Number 97-001] (RIN: 0560-AF12) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Approval of the Maintenance Plan for Calcasieu Parish; Redesignation of Calcasieu Parish to Attainment of Ozone [LA-38-1-7322; FRL-5814-3] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2992. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Administration of the North American Numbering Plan Carrier Identification Codes (CIC's); Petition for Rulemaking of VarTec Telecom., Inc. [CC Docket No. 92-237] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2993. A letter from the Acting Associate Managing Director for Performance Evaluations and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992—Rate Regulation; Uniform Rate-Setting Methodology [CS Docket No. 95-174] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2994. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Toll Free Service Access Codes [CC Docket No. 95-155] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2995. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Accounting for Judgments and Other Costs Associated with Litigation [CC Docket No. 93-240] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2996. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96-149 and CC Docket No. 96-61] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2997. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules Regarding Spread Spectrum Transmitters [ET Docket No. 96-8, RM-8435, RM-8608, RM-8609] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2998. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Government Securities Sales Practices [12 CFR Part 368] (RIN: 3064-AB66) received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2999. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

3000. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "University of the District of Co-

lumbia Report of Revenues and Expenditures for the Graduate Program for Academic Years 94-95 and 95-96," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

3001. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Public Availability of Information [Docket No. OST-96-1430] (RIN: 2105-AC58) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3002. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Summer Employment [5 CFR Parts 213 and 338] (RIN: 3206-AG21) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3003. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Administration and General Provisions—Administration [5 CFR Part 831] (RIN: 3206-AH66) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3004. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Cook Inlet, sale 149, scheduled to be held in June 1997, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

3005. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act of 1968 to designate portions of 13 river areas, containing some 25 segments, in Arizona as components of the National Wild and Scenic Rivers System, and several supporting documents that provide background information; to the Committee on Resources.

3006. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-169-AD; Amdt. 39-9999; AD 97-09-03] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3007. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-60-AD] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3008. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplane and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 97-NM-61-AD] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3009. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95-ANE-44; Amdt. 39-9989; AD 97-08-01] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3010. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300-600,

A310, and A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-227-AD; Amdt. 39-9888; AD 97-02-04] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-146-AD; Amdt. 39-9953; AD 97-05-09] (RIN: 2120-AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3012. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Flight Information Region of the Democratic People's Republic of Korea (DPRK) (Federal Aviation Administration) [Docket No. 28831; Special Federal Aviation Regulation (SFAR) No. 79] (RIN: 2120-AG24) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3013. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bedford, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-17] (RIN: 2120-AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3014. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mount Pleasant, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-003] (RIN: 2120-AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3015. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kutztown, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-14] (RIN: 2120-AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3016. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clearfield, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-13] (RIN: 2120-AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3017. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Meadville, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-12] (RIN: 2120-AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3018. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Training and Qualification Requirements for Check Airmen and Flight Instructors: Correction and Editorial Changes (Federal Aviation Administration) [Docket No. 28471; Amendment No. 121-264] (RIN: 2120-AF08) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3019. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Salt Lake City, Utah (Fed-

eral Aviation Administration) [Airspace Docket No. 97-ANM-3] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3020. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Atqasuk, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-29] (RIN: 2120-AA66) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3021. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320, A321, A330, and A340 Series Airplanes Equipped with Westland-Sitec Fire Shutoff Valves Having Part Number EO3000 (Federal Aviation Administration) [Docket No. 96-NM-204-AD; Amdt. 39-10000; AD 97-09-04] (RIN: 2120-AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3022. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. T5311, T5313, T5317, and T53 (Military) Series Engines (Federal Aviation Administration) [Docket No. 96-ANE-25; Amdt. 39-9979; AD 97-07-05] (RIN: 2120-AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3023. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125-1000A and Model Hawker 1000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-180-AD] (RIN: 2120-AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3024. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97-ANE-14; Amdt. 39-9997; AD 97-09-01] (RIN: 2120-AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3025. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on the Decision in *The Edna Louise Dunn Trust v. Commissioner*, 86 T.C. 745 (1986) [CC-1997-007] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3026. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Housing 2020: Multifamily Management Reform Act"; jointly, to the Committees on Banking and Financial Services, Ways and Means, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2. A bill to repeal the United States Housing Act of 1937, de-regulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for

other purposes; with an amendment (Rept. 105-76). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 867. A bill to promote the adoption of children in foster care; with an amendment (Rept. 105-77). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1048. A bill to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; with an amendment (Rept. 105-78 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. House Resolution 129. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; with an amendment (Rept. 105-79). Referred to the House Calendar.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1048. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than April 29, 1997.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE:

H.R. 1463. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. CARDIN, Mr. BILIRAKIS, and Mr. STARK):

H.R. 1464. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly [PACE] under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky:

H.R. 1465. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on certain educational loans; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 1466. A bill to direct the Secretary of Veterans Affairs to transfer certain Fort Howard Park lands to Baltimore County, MD; to the Committee on Veterans' Affairs.

By Mr. NEY:

H.R. 1467. A bill to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest; to the Committee on Resources.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 133: Mr. CONDIT.  
H.R. 218: Mr. SOLOMON and Mr. THORNBERRY.  
H.R. 279: Mr. MEEHAN.  
H.R. 321: Mr. PAUL.  
H.R. 322: Mr. SAXTON.  
H.R. 475: Mr. KOLBE and Mr. SAM JOHNSON.  
H.R. 631: Mr. MANZULLO and Mr. INGLIS of South Carolina.  
H.R. 663: Ms. CHRISTIAN-GREEN, Mr. STARK, Mr. GONZALEZ, Mr. OWENS, Mr. BERMAN, Mr. DELLUMS, Ms. KILPATRICK, and Mr. ROTHMAN.  
H.R. 867: Ms. GRANGER, Mr. FAWELL, Mr. BLAGOJEVICH, and Mr. FAZIO of California.  
H.R. 919: Mr. LUTHER.
- H.R. 955: Mr. HULSHOF, Mr. BLUNT, and Mr. LEWIS of California.  
H.R. 1013: Mr. BILBRAY, Mr. GEJDENSON, Mr. CRAMER, Mr. GREENWOOD, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. OXLEY, and Ms. KAPTUR.  
H.R. 1061: Mr. MOAKLEY.  
H.R. 1063: Mr. KLECZKA, Mr. HOLDEN, and Mr. NEY.  
H.R. 1115: Mr. DELLUMS, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. MILLER of California, Mr. RANGEL, Ms. WATERS, Mrs. THURMAN, and Mr. THOMPSON.  
H.R. 1126: Mr. DICKS and Mr. GILLMOR.
- H.R. 1161: Mr. NEY, Mr. TALENT, Mr. BOSWELL, and Mr. WALSH.  
H.R. 1205: Mr. GALLEGLY.  
H.R. 1329: Mr. EHLERS.  
H.R. 1367: Mr. KIND of Wisconsin.  
H.R. 1385: Mr. BARRETT of Nebraska, Mr. PETERSON of Pennsylvania, and Mr. RIGGS.  
H.R. 1432: Mr. MATSUI and Mr. SHAYS.  
H.R. 1450: Ms. WOOLSEY and Mr. BONIOR.  
H.J. Res. 66: Mr. OWENS, Mr. CONYERS, Mr. UNDERWOOD, Mr. JACKSON, and Mr. MEEHAN.  
H. Con. Res. 55: Mr. GEJDENSON, Mr. COX of California, Mr. LIPINSKI, Ms. NORTON, Mr. LEVIN, Mr. BERMAN, Ms. MCKINNEY, Mr. ACKERMAN, Ms. RIVERS, and Mr. NADLER.





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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

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No. 52

## Senate

The Senate met at 2 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have shown us that living each day as our only day results in living life at full potential. Thank You for the gift of this new day. Help us pull out all the stops and live with enthusiasm. We renew our commitment to excellence in all we do. Our goal is to glorify You in every responsibility and relationship today. Replenish our wells of creativity, vision, and physical strength. Give us hope in life's burdens and peace in our conflicts. Most of all, dear God, help us not to miss the joy. In the name of Him who brings abundant life. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

### SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, today, until 3:30 p.m., the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. Following morning business, the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. As announced last week, there will be no rollcall votes during today's session. However, under the previous agreed to order, there will be a cloture vote on the motion to proceed to S. 543 at 2:15 tomorrow. If cloture is invoked, the Senate will continue debate on the motion to proceed for 1 hour, followed by a vote on the motion. Therefore, additional votes may occur

during tomorrow's session of the Senate. In fact, I expect that there will be.

Hopefully, the Senate will be able to finish action on the Volunteer Protection Act early this week so we can begin consideration at some point—and it is not clear now whether it would be Wednesday or Thursday; and it will partially depend at least on what happens in the House on the supplemental appropriations bill—but, again, all Senators will be notified of changes in the schedule. And I thank my colleagues for their attention.

### THE VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, if I could be heard just briefly on the legislation itself.

You will note that in my opening statement here, the debate is on the motion to proceed. I want the American people to hear that. We basically have the threat of a filibuster from the Democrats on even taking up for consideration the substance of the bill, S. 543.

What is this bill? This bill is the Volunteer Protection Act. I think it is quite a coincidence, highly ironic actually, that there is this meeting now in Philadelphia, the City of Brotherly Love, to encourage voluntarism in America—a worthy goal. And I have been impressed by the participants and by what they have had to say. We need to encourage Americans to volunteer, to be more philanthropic, to contribute what they can, not only of their money but of their time—a worthy goal of America. And while America leads all the rest of the world already in that effort, we can all do more, I am sure.

But now comes this bill and trying to protect volunteers from being sued. In many instances in America, if you volunteer, if you go on a charitable organization's board of directors, if you join some of the volunteer organizations, you run the risk of being sued and being held personally liable.

So in the spirit of the conference going on in Philadelphia, it seems very appropriate to me that the Senate would pass legislation to provide some reasonable modicum of protection against these frivolous lawsuits that discourage people from volunteering, and yet we are being told that we are going to have a filibuster of even proceeding to this bill.

Let me read some of the components of this bill. It says:

To provide certain protections [not total protections, but certainly protections] to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

It says that:

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred [now] by the potential for liability actions against them and organizations they serve;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is [certainly] an appropriate [action] for [this] Federal legislation;

It goes on and talks about how the threat of lawsuit is limiting volunteers. It is leading to higher costs of private programs as well as public-private cooperation. It then sets out exactly what those limitations are.

If you are actually involved in serious personal misconduct, you still

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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would be subject to liability. But to have some clarification here with regard to when you will be sued, even when you are in effect an innocent bystander in a voluntary capacity, is something that we should do. It is long overdue.

We have known many instances, I am sure, in our own States where these types of lawsuits have been filed. And it is time that we take action. In fact, it goes hand in glove with what is happening in Philadelphia.

So I urge my colleagues that have reservations based on this, if there are concerns by trial lawyers that we can legitimately address, fine. But I do not think we should allow trial lawyers to dictate that we cannot have even the consideration of legislation that would provide some protection for volunteers in America.

Mr. President, again, I urge my colleagues to allow this legislation to go forward. And I hope that our colleagues will be able to vote for a final product by an overwhelming vote.

I yield the floor at this time, Mr. President.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me wish the occupant of the Chair a good day.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into a period of morning business not to extend beyond 3:30 p.m.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be permitted to speak in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair. (The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 660 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TITLE IX

Mr. REID. Mr. President, several months ago I visited White Pine County High School located in Ely, NV, one

of the rural spots of Nevada. I was going to speak to an assembly of high school students. I was in a room waiting to give my presentation. In the room were two young ladies. They were dressed in letter sweaters from White Pine County High School. One of them was named Lauren and the other was Casandra.

While waiting, I struck up a conversation with these two young ladies. I asked them what sports they participated in. One of them ran track. She told me she had won the summer tournament in sprints. The other girl said she participated in softball.

So we carried on our conversation for a short period of time. As I was getting ready to go in, one of the young ladies said, "Senator I don't know what I would do without my sports."

Mr. President, these two young ladies' ability to participate in athletics is as a result of something that the Federal Government has done.

I started a series of speeches last summer on the Senate floor to discuss the good things that happen in Government. We tend to dwell on the negative, rather than the positive aspects of Government. I talked about how proud I was that we have our National Park System with great parks like Yellowstone, Yosemite, Grand Canyon, and the other great entities that are the envy of the world.

I talked about the Federal Emergency Management Agency, what a great job they have done in Nevada, and how proud I was of the work they had done in the State of Nevada during the recent floods. They are, of course, in every newspaper and on every news program because of the work they are doing with the floods of North Dakota and South Dakota right now.

I talked about the Consumer Product Safety Commission, and about the great work they do to make the marketplace safer for us.

I also talked about the great work that 25,000 men and women engage in every summer in fighting forest fires, principally in the Western part of the United States. They do very courageous things, such as jumping out of helicopters with backpacks weighing almost 100 pounds, and rappelling off the back of helicopters.

These are Government programs. We should acknowledge them. The Federal Government has its shortcomings, and I am the first to acknowledge that. But let's not dwell on the shortcomings. Let's talk about some of the good things that happen.

That is the reason I am here today; to talk about one of the programs that the Federal Government initiated that I think is good. I am here to speak about title IX, enacted as part of the Education Act Amendments of 1972, which gives women and girls equal rights in education and in athletics.

Just a couple of months ago we celebrated the 11th annual National Girls and Women in Sports Day. We had all kinds of star female athletes come here

to The Mall in Washington to celebrate the accomplishments of women in sports and to commemorate the upcoming anniversary of title IX.

I think this Federal statute is an example of good Government. What we attempted to do in this legislation is level the playing field for all Americans.

Title IX is an example of Government funding providing just such an opportunity in America. We have not reached the goal of equity for men and women in high school and college athletics. But we have come a tremendous way as indicated, in my opinion, by Lauren and Casandra telling me about their enthusiastic participation in rural Nevada athletics.

So as we approach the 25th anniversary of title IX this June we can be proud of the accomplishments made under this law while looking ahead to the goal of equal treatment for men and women in education and in sports.

In 1972, when this law went into effect, about 1 out of every 30 girls in high school played sports. Today it is 1 in 3. Now women account for 34 percent of athletic participants in high school and college sports.

In 1972, just a small amount of money was spent nationwide on athletic scholarships for women—less than \$100,000. Today it is approaching \$200 million. Fifty-five percent of women participate in high school sports.

A recent USA Today analysis of 303 NCAA Division I schools found that women comprised 37 percent of all athletes at these schools. There has been an increase even since 1992 in girls participating in college athletics. It is up over 20 percent.

It is a great accomplishment to have one of your children graduate from college. I have had that opportunity with my children. But it is also a great thrill to watch your children participate in athletics at the high school level and at the college level. Only one of my children has participated in athletics at the college level. But that was a great thrill for me to watch my young boy play on three national NCAA championship teams on three separate occasions. He played soccer at the University of Virginia, where they were national champions. Girls should have the same opportunity that my son had to play Division I and Division II college athletics.

Nationwide, 7 million women of all ages play soccer. The number of NCAA Division I women's soccer teams has increased from 22 in 1982 to over 200 now. That is a significant increase. Thanks to title IX, more women are going to college, more women are getting scholarships, and more women are playing sports at a competitive level.

I have always been one that supported college athletics. While some criticize competitive athletics in college, I think they are great. Athletics allows people who would never have set foot within a university campus to get an education. They don't always graduate, even though the graduation rates

are increasing, but it gives them the opportunity to be someplace where they ordinarily would not be able to go. That is good. It should also allow women the opportunity to go to college because of their athletic abilities. Title IX is helping women get athletic scholarships that they would not have gotten just a few years ago. This is important and good for the country and for education generally.

What are the benefits of sports for women and for girls? Women and girls achieve numerous benefits from participating in athletics. In my opinion, with our society becoming increasingly more sedentary, we need to increase physical activity and athletics for all of our citizens—not just for boys but also for girls.

Getting young ladies involved in sports improves their health and well-being, and increases the likelihood they will stick with athletics and exercise throughout their lives.

In addition to the general health benefits of physical activity, a study conducted at the Harvard University's Graduate School of Public Health showed that young women who participated in college sports were significantly—and I stress that—less likely to contract breast cancer and other reproductive cancers.

There are other benefits. Participation in athletics benefits young women in the same way that it benefits young men. Participation in sports has been found to increase the self-esteem of girls and boys.

Mr. President, one of my older boys played football in high school. I was talking on the telephone to one of my friends who had been a college athlete. He and I played ball together in high school. I was concerned that a boy from my son's team had just gone to the hospital with some football injury. And my friend, who is now a veterinarian, told me, "HARRY, athletics builds character. He may have gone to an emergency room. He is home now. Stick it out. Athletics builds character." That it does.

I believe, for those that I have seen participate in athletics generally, it is a character builder. It should be a character builder not only for young men but also for young women.

I believe, as I said, that athletics increases self-esteem of girls and boys. High school athletes have higher graduation rates than nonathletes. Female athletes also have lower dropout rates than nonathletes.

Studies reveal that girls involved in sports are more likely to aspire to be leaders in their communities. Expanding sports opportunities for women and girls will help more women in their leadership roles and help them to lead successful adult lives. If it is true for men, then it should be true for women.

Further, increased opportunity for women in sports increases exposure for women's athletics, and makes it possible for more women to make a career of sports.

Mr. President, the NCAA women's basketball championship this year was a sellout. The women's—not men's but women's—college basketball championship was a sellout. They played great basketball.

When I go home I love to watch women's softball. Last year UNLV was ranked in the top five of the Nation. It was exciting to watch these young women play fast pitch softball. I am sure, if you brought the men's baseball players over to play these young women in softball, that the men would lose. These young women are good. I like to watch women's basketball too. It is just as entertaining as men's. Title IX has played an important role in providing opportunities for women to excel in athletics.

It is important to stress, however, that the intent of title IX was not to cut men's programs but merely to bring women's programs up to the level that they ought to be. This costs money, and many schools aren't willing to shell out this money. Subsequently, title IX has gotten some negative reaction from schools who have limited funds.

Mr. President, I think it is important to note that schools are trying to comply. For example, the University of Nevada at Las Vegas developed a compliance action plan to make changes and work toward compliance with title IX. They have submitted a plan that will put girls athletics at UNLV on a par with male athletics by the year 2001. Their plan is to increase female athletic participation opportunities—scholarship and nonscholarship—by a minimum of 100 over the next 5 years. They are going to add women's soccer in 1998 and add another women's sport in the year 2001. They are going to provide medical support, training and equipment to meet these additional needs; and provide new funding, up to \$4 million over the next 5 years, to meet these gender equity needs.

UNLV doesn't currently meet any of the tests for title IX compliance, but they are working at it to the benefit of Nevada's athletes, and I think to education generally.

Mr. President, compliance with title IX is not unreasonable, nor is it impossible. Seven NCAA Division I schools meet the proportionality test, where the percentage of female athletes is within five points of female undergraduates.

Among the schools in compliance are Dartmouth, Lehigh, the University of Massachusetts, Harvard, and Montana State.

So it is not all of these eastern schools. It can be done, if people try. Obviously, Montana State was interested in complying, and they accomplished that.

Even the most basic efforts that schools make toward compliance with title IX have started a nationwide boom in women's sports.

I talked about basketball. But as more women have entered athletics

they have not displaced men. Instead the total number of athletes has increased. There has been an ongoing struggle. We have had case decisions in the U.S. Supreme Court. On Monday, April 21, the Supreme Court declined to review a case filed by Brown University where they wanted to test the Constitutionality of title IX.

The Supreme Court would not even consider the case. As a result of that, we are going forward with more proportionality. We are going to make an even playing field.

Because of these positive outcomes, title IX must be supported and enforced because it is good government. Somewhere out there are future female professional athletes and Olympic gold medalists who may never jump a hurdle or pick up a ball if their families, coaches, and schools do not give them the opportunity and the encouragement to play sports. These girls and women who are the champions of the future must be supported. Title IX is vital to that effort.

(Ms. COLLINS assumed the chair.)

#### CAMPAIGN FINANCE REFORM

Mr. REID. Madam President, when I came to the Senate about 11 years ago, one of the first things I did was come to the Senate floor and talk about the need for campaign finance reform. I thought it would come very quickly. I could not believe, with all the problems that occurred during that election cycle, including what happened in my election in the State of Nevada 11 years ago, we would not rush to reform the way we elect Senators and Members of the House of Representatives.

The problems were replete, with the Federal Election Commission being really a toothless tiger. They had no money to enforce the rules and the laws that existed. Much to my chagrin and, frankly, much to my surprise, 11 years later we have done nothing, zero. In fact, things have even gotten worse. Why? Because the Supreme Court, among other things, declared that any money that goes to a State party cannot be regulated. So this last cycle, even though we had Federal law to the effect that there would be no corporate money in Federal elections since the early part of this century, the Supreme Court stood that on its head, and suddenly not only do we have the problems we have had with a myriad of people trying to skirt the law, now we have the fact that you can use corporate money in Federal elections.

I think that is wrong. I think it is too bad that we have not done something. That is why I am here today to commend and applaud Senators FEINGOLD and MCCAIN for their courageous work on campaign finance reform. I am a cosponsor of that legislation. I do not agree with every jot and tittle, every line and verse within that legislation, but it is a step in the right direction, and I happily joined in cosponsoring that legislation. Why? Because it is going to do some things—it

is going to reform campaign financing significantly and importantly and in a good way. It will require greater disclosure of independent expenditures. I believe independent expenditures is a sore that is festering and is going to wind up tremendously damaging the body politic.

Unnamed people, with money coming from unknown sources, are running campaign ads viciously attacking candidates. That is wrong. That is really un-American.

The McCain-Feingold legislation will require the FEC to provide advance notice to complying candidates if they have been targeted by these independent expenditures or outside organizations.

McCain-Feingold would restrict contributions from people not eligible to vote in Federal elections. It could ban incumbent use of franked mass mailings in the calendar year of an election.

It would increase disclosure and accountability for those who engage in political advertising. And it would strengthen penalties for willful violations of Federal election law. We must do something to make people feel better about the elections.

Elections are 18 months away. Negative ads are already starting around the country. That is wrong. People who say we need to hold more hearings to determine whether or not McCain-Feingold is a good law, I say let us look at what has happened over the past 10 years. Congress has produced almost 6,800 pages of hearings. There have been 3,361 floor speeches. I guess because of this one, it is 3,362 floor speeches. There have been 1,060 pages of committee reports, 113 Senate votes on campaign finance reform, and one bipartisan Federal commission. Certainly this is enough. We have enough information to act responsibly.

Over the next 2 years, Madam President, Congress will deal with changes to regulations and programs that affect virtually every American, from clean air and water to education programs, matters dealing with crime in the streets, juvenile crime, trying to improve our infrastructure, Medicare, Medicaid, problems dealing with our Nation's elderly. In order to address these concerns credibly, should we not first act to reform the way we are elected? I say yes. I hope that my colleagues join hands in rallying around the McCain-Feingold legislation. It is the best we have to bring debate to the Senate floor and to get something done. I have talked about it for 11 years. It has been a problem even longer than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAINE HIGH SCHOOL PARTICIPATES IN "WE THE PEOPLE" PROGRAM

Ms. COLLINS. Mr. President, during this past weekend, 14 students from St. Dominic Regional High School in Lewiston, ME, joined with almost 1,200 other high school students from across the Nation to participate in the national finals for the "We the People" competition, a program designed to help students better understand the history of our Constitution and its Bill of Rights, which are the foundations upon which our system of government rests.

The St. Dominic High School students have been representing the State of Maine during this weekend's activities, which will culminate in a national winner being chosen tonight, at an awards banquet here in Washington. The St. Dominic's team spent a considerable amount of time and energy reaching the national finals this weekend by winning various competitions in Maine in order to earn the honor of representing our State.

The 14 members of our State's outstanding team, who should be individually acknowledged for their efforts in this undertaking, are:

Robyn Adair, Michael Beam, Julie Blanchette, Nicole Bouttenot, Rachel Bouttenot, Martin Bruno, Derek Coulombe, Emma Dore-Hark, Jennifer Elliott, Jonathan LaBonte, Kendra LaRoche, Kathryn Mailhot, Michael Theriault, and Matthew Walton.

Of course, in addition to these outstanding students, I want to acknowledge and recognize the hard work of their teacher, Rosanne Ducey, who deserves her fair share of the credit for the team's success as well. The "We the People" program coordinator for Maine, Pamela Beal, has also contributed a significant amount of her time and effort to help the St. Dominic team reach the national finals.

The "We the People" program, which is administered by the Center for Civic Education, is the most indepth educational program in the country developed specifically to educate high school students about the U.S. Constitution. This past weekend's 3-day national competition re-creates a public hearing in which the student's oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

The "We the People" program has been operating for 10 years now. Since its origination, millions of students nationwide have participated in this program at either the elementary, middle, and/or high school level. This program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives.

Mr. President, I'm pleased to be able to recognize the valuable contribution that the St. Dominic Regional High School team has made to the success of

the "We the People" program, and I wish these students and their teachers the very best of luck. I am proud of their accomplishments.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 25, 1997, the Federal debt stood at \$5,345,392,363,906.29. (Five trillion, three hundred forty-five billion, three hundred ninety-two million, three hundred sixty-three thousand, nine hundred six dollars and twenty-nine cents)

Twenty-five years ago, April 25, 1972, the federal debt stood at \$428,301,000,000 (Four hundred twenty-eight billion, three hundred one million) which reflects a debt increase of nearly \$5 trillion—\$4,917,091,363,906.29 (Four trillion, nine hundred seventeen billion, ninety-one million, three hundred sixty-three thousand and, nine hundred six dollars and twenty-nine cents) during the past 25 years.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Madam President, I ask unanimous consent that Elizabeth Kessler, a member of my staff, be granted privilege of the floor for the period of time during which the Volunteer Protection Act is discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. ABRAHAM. Madam President, this week in Philadelphia, President Clinton is joining former Presidents Bush and Ford, along with former Chairman of the Joint Chiefs of Staff Colin Powell at a summit to promote voluntarism.

I commend any and all efforts to increase charitable activity on the part of Americans. And I find it extremely fitting that this summit is being held in the City of Brotherly Love because charitable activity does more even than providing help and counseling to those in need. Charitable activity helps all Americans by promoting habits and appreciation of benevolent actions—actions aimed at helping those in need because it is the right thing to do.

Charitable activity binds us together as members of the same community. It helps each of us think of our neighbors, and even strangers, as our brothers, deserving of our care and help. By volunteering, Americans bring us together in our towns, cities, States, and indeed our Nation.

America has a vast interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled \$388 billion in 1990.

Meanwhile, revenues for the 19,000 support institutions—which raise money to fund operating organizations—came to \$29 billion.

And total revenues for religious congregations were \$48 billion. That's 465 billion dollars worth of nonprofit activity we enjoyed in 1990 alone.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report from the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year.

This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated \$112 billion.

But there is trouble in the organizations and among the people who promote voluntary, charitable activity in our country. Unfortunately voluntarism is declining nationwide.

According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993.

Americans also are giving less money. The average household's charitable donation dropped from \$978 in 1989 to \$880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations, for the people who depend on them, and for the social trust that is based on the spirit of association.

This makes gestures, like the summit on voluntarism, important. It also means that we should look for immediate, practical means by which we in government can reduce the burdens that we impose on voluntary, charitable activity.

That is why I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator MCCONNELL, in sponsoring the Volunteer Protection Act of 1997, which we are debating on the floor at this time.

I commend Senators COVERDELL and MCCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers.

Those are precisely the activities that we should be protecting and encouraging.

And one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits.

Thus, litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the litigation abuses that plague our small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and it is something I have worked very hard on.

I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto.

I also introduced legislation with Senator MCCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor in this session.

But I believe that our voluntary, nonprofit organizations, perhaps more than any other sector of our country, urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation.

I hope that, given his public support for voluntary activity, President Clinton will support this litigation reform bill, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Litigation adds a variety of onerous burdens to our nonprofit organizations. Among the most obvious is increasing insurance costs.

Mr. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years.

Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from \$75 to \$795 in just 5 years. Many leagues cannot afford this added expense, on top of increasing costs for helmets and other

equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher \$24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have lent him his.

Organizations that try to escape skyrocketing insurance costs must self-insure, and Andrea Marisi of the Red Cross will describe self-insurance costs only as "huge." The result? "Obviously, we have fewer funds available for providing services than would otherwise be the case."

Outside insurance generally comes with significant deductibles. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of \$25,000 to \$30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, \$100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery—for example going through files for hours on end to establish who did what when—can run into the thousands of dollars as well.

Further, as the Boy Scouts' William Cople puts it:

We bear increased costs from risk management programs of many kinds—including those to prevent accidents. We have higher legal bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. For example, 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty.

The Boy Scouts must do less good so that they can defend themselves from lawsuits, and that just doesn't seem quite right.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, "Some of our people got to the point where they were just afraid to work because of the threat of lawsuits."

What makes this fear worse is the knowledge that one need do no harm in order to be liable.

Take for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football.

Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some \$7 million, which

Oregon law reduced to about \$4 million—far more than the volunteers could possibly pay.

What is more, as Cople points out, “the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight.”

Clearly, when an injury of this sort occurs, it is a tragic situation. The question is, How should society allocate these responsibilities, and to what extent should a voluntary organization and its volunteers be responsible for the same standard of care as outlined by this jury?

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events—and juries—beyond their control.

Such unreasonable standards of care also penalize our nonprofit organizations.

Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance.

Because the organization is held responsible for essentially all actions by its employees and volunteers, it can take no risks in hiring.

As Mr. Krugel observes, “If we can’t give these kids a second chance, who can?”

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible for only a small portion.

Such findings are a severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although it cannot control local operations, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity.

Such holdings result from juries’ desire to find someone with the funds necessary to pay for an innocent party’s injuries. But this search for the deep pocket leads to what Ms. Marisi calls a “chilling effect” on Red Cross relations with other nonprofits. And the same is obviously true for other national organizations.

The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Madam President.

It will not solve all the problems facing our volunteers and nonprofits.

But it will provide voluntary organizations with critical protection against improper litigation, at the same time

that it recognizes the ability of the States to take additional or even alternative protections in some cases.

By setting the standard for the protection of volunteers outright, this bill provides much-needed lawsuit relief immediately to volunteers and nonprofits wherever they may be. Let me briefly describe what this bill does.

The bill protects volunteers from liability unless they cause harm through action that constitutes reckless misconduct, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights and safety of those harmed.

This ensures that where volunteers truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have described, some of them clearly frivolous—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded.

It is unfortunate that charities and volunteers have punitive damages awarded against them in the first place, but they do.

Congressman JOHN PORTER, who is leading the fight for this legislation on the House side, reports that in August 1990, a Chicago jury awarded \$12 million to a boy who was injured in a car crash. The negligent party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or Government entity only upon a showing by the claimant that the volunteer’s action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed.

This should ensure that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for because of the egregious conduct of the defendant.

The bill also protects volunteers from excessive liability that they might face through joint and several liability.

Under the doctrine of joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, any defendant that is a volunteer, nonprofit organization, or Government entity will be jointly and severally responsible for the full share of economic damages but

will only be responsible for non-economic damages in proportion to the harm that that defendant caused.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States.

First, the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do even more.

But second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a statute specifically providing for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision in order to maintain the proper balance of federalism in this legislation.

Madam President, in short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay.

Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater. And that, Madam President, will make for a better America. I urge my colleagues on both sides of the aisle to support this important piece of legislation.

We talk often in this Chamber about how to foster a sense of community in America. It is something which many people have a varied perspective on. But it strikes me, Madam President, that nothing can do more to help generate the sense of community than to create an atmosphere in which people stop looking at their neighbors as possible plaintiffs and defendants and start looking at them as friends and neighbors again.

I think we have moved in the wrong direction because of the litigation explosion generated by frivolous lawsuits. I think legislation such as the Volunteer Protection Act will help to redress that balance and put us back on the right course so that the ideals that are being talked about these days in the summit in Philadelphia can truly be realized and effectuated to their maximum possible degree.

For that reason, I am glad to be a co-sponsor of this legislation. I look forward to speaking again on it here as the debate continues. I do hope our colleagues will join us in supporting this very important piece of legislation which we might, with some help, get through the Congress in the very near future.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, as I noted in my past remarks a moment or so ago, today in Philadelphia, PA, some of the leaders of our country, former Presidents as well as President Clinton and numerous other elected officials and volunteer leaders from around the Nation, are meeting to try to provide incentives to all of us to take a greater and more active role in volunteering in our communities to help our fellow citizens.

In light of that happening, I cannot help but think about a friend of mine who passed away a couple of years ago, former Gov. George Romney of Michigan.

Governor Romney was elected Governor of our State in 1962 and held that job for 6 years, at which time he was asked to join the Cabinet of President Nixon and became Secretary of Housing and Urban Development. Prior to his Government service, he had been the president of American Motors Corp. So he had a distinguished career in both business as well as in the public sector.

When he left Government officially, he then made sort of his principal focus in life the spirit of voluntarism and worked in a variety of ways throughout his remaining 20 years or so of life to try to generate nationwide interest and support for voluntarism. In fact, he started as head of the national organization called Volunteer, I believe, whose job it was to try to provide stimulus for greater volunteer participation.

I recall very vividly in 1991 when Gov. John Engler was elected to his first term in our State. Governor Romney reinvented himself in the voluntarism activity level in Michigan and helped put together a bipartisan voluntarism commitment in our State that has done many good deeds as a consequence.

He also was active in the Points of Light organization nationally. He was on the board of the nonprofit entity, Points of Light, I believe it is called, and certainly served as an inspiration in both the launching of that as well as its successful development.

I mention him today not just because of the connection to voluntarism that the summit provides but also because it turns out he was perhaps, more than anyone, the inspiration for this summit, having thought of the idea and recommended it, I believe, to Mr. Wofford and others who then moved it forward.

So he was an inspiration both to his Nation and certainly to this U.S. Senator in many ways. But also he should be remembered today on the floor of

the Senate, as so many Americans will spend the next day or so focusing on what they can do to help others in their communities. It is people like George Romney who have called our attention to the enormous challenges ahead of us.

So I wish to mention him today to recall his many achievements, his many contributions, and how much I am confident that, were he still alive, he would be involved even today, in Philadelphia, if he could have been, in helping to further the cause for which he had such a great commitment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, it is my understanding that the Senate is considering S. 543.

The PRESIDING OFFICER. The Senate is on a motion to proceed to that bill, S. 543.

Mr. COVERDELL. Mr. President, I yield myself whatever time is necessary to make my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, today the Senate begins debate on the motion to proceed to S. 543, the Volunteer Protection Act of 1997.

This bill would grant immunity from personal civil liability under certain circumstances to volunteers working for nonprofit organizations in governmental entities. This legislation is intended to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers.

It is appropriate that we consider this issue today. Yesterday in Philadelphia a remarkable gathering got underway. The President's Summit for America's Future brought together President Clinton, President Bush, President Ford, President Carter, Gen. Colin Powell, and other national leaders in an effort to focus the Nation's attention on the importance of and the need for volunteer service.

The assembled leaders there issued a call to action, asking every American to do more, asking all of us to volunteer our time and efforts in community service.

This is in the best tradition of America. Since before our Nation's founding, charities have helped the poor, counseled the troubled, and by their example taught us to care for our neighbors. They are the key to our survival as a nation. Americans have a proud history of supporting volunteers.

Yet, many who would heed the call of the Philadelphia summit will not do so—not because they lack the desire or

the ability to help, but because they, quite frankly and rightly, fear risk of liability in a society that seems too often to resemble a lawsuit lottery.

In a recent Gallup survey of nonprofit volunteers, one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability. Eighteen percent of those surveyed had withheld their leadership services due to fear of liability.

These numbers reflect a chilling effect that causes potential volunteers to suppress their good intentions and their desire to get involved. Nonprofit organizations rely heavily on volunteers. Moreover, the very act of participating in charitable work helps bind Americans together as a people. At a time when there is so much good work that needs to be done, we cannot afford to have good people turn away for fear of a devastating lawsuit.

That is why I introduced the Volunteer Protection Act, along with Senator MCCONNELL, who has dedicated long service to this effort and who has been an outstanding leader on the issue, and Senator ABRAHAM, Senator SANTORUM, and Senator ASHCROFT. We have since been joined by a number of our colleagues.

Briefly, Mr. President, our bill provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by a volunteer's negligent acts or omissions on behalf of the organization. To enjoy this protection, the volunteer must be acting within the scope of his or her responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

It is also important to note that the protection from liability does not extend to misconduct involving violent crimes, hate crimes, sex crimes, or civil rights violations. It does not apply where the defendant was under the influence of drugs or alcohol. This ensures that where volunteers truly exceed the bounds of appropriate conduct, they are liable.

The bill is intended to protect volunteers who make simple, honest mistakes. Where behavior is more egregious, no protection is warranted. But in the many ridiculous cases where no such wrongdoing occurs, the volunteer will not face a lawsuit or financial ruin. We want to encourage people to get involved without the fear of losing their home and all the family assets in a lawsuit if an act happens.

Persons injured by a volunteer's simple negligence will still be able to bring suit against the organization itself to compensate for their injuries. As a result, nonprofit organizations will continue to have the duty to properly screen, train, and supervise their volunteers. Nothing in this bill encourages carelessness on anyone's part.

The bill requires clear and convincing evidence of gross negligence before



punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. Because punitive damages are intended to punish and deter misconduct, a higher standard is required to trigger those damages. Punitive damages will only be available where the defendant's conduct merits punishment.

This bill also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer. For noneconomic losses, the volunteer, the organization, and others who may be at fault in a given action will be responsible for paying only for their portion of the harm. Any defendant will continue to be jointly and severally liable for economic loss.

We have seen a problem with joint and several liability in which one defendant is made to pay for all damages even though responsible for only a small portion. Such results are a severe burden on the United Way, the national organization sponsoring numerous local nonprofits. Although it cannot control local operations, the United Way often must defend itself in suits arising from injuries caused by the local entity.

These holdings result from juries' desires to find someone with funds to pay for an innocent party's injury but the search for deep pockets produces what a Red Cross spokesperson calls "a chilling effect" on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller more innovative local agencies that might make it more effective.

So, on the issue of joint and several liability, the bill promotes a balance between ensuring full compensation for economic losses, including medical expenses, lost earnings, placement services, and out-of-pocket expenses, among others, and ensuring fairness in not holding volunteers, nonprofit organizations, and government entities responsible for noneconomic harm they do not cause.

Mr. President, in putting this bill together, we were mindful of the concerns about federalism. While the bill will generally preempt State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers, nonprofit organizations, and government entities. This sets an outer limit of volunteer liability while permitting States to provide even greater protections.

We give States flexibility to impose conditions and make exceptions to the granting of liability protection. And we allow States to affirmatively opt out of this law for those cases where both the plaintiff and the defendant are citizens of that State.

Mr. President, the independent sector reports that the percentage of American volunteering dropped from 54 percent in 1989 to 48 percent in 1993. That, I might add, represents thousands upon thousands of volunteers. Obviously,

there are a number of relevant factors explaining this decline. But one major reason is America's litigation explosion.

Nonprofits must spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits. Litigation renders them less effective at helping people, and it scares off the volunteers which they rely on.

Mr. President, in closing, let me just once again remind my colleagues of the historic summit that occurred in Philadelphia yesterday. That summit was designed to remind Americans of something that is so very much unique to our Nation. The world has long studied and wondered and marveled at the American volunteer.

I was fortunate to be the Director of the United States Peace Corps, which has sent about 150,000 volunteers into over 100 countries over the last 35-plus years. So I have had a chance to look right in the eye at this unique quality of the American spirit and can attest to it, and admire it.

Your work is not finished when you leave the country that you have served. When you return to the United States the third goal begins—helping to make America understand the world. To do that we call on the volunteers to step forward again, again, and again.

The United States should do everything within its power to nurture this unique treasure and to make it grow. It is infectious, and it is wonderfully healing.

On my trip from the airport to the Senate Chamber, I was advised that this legislation has been caught in a leveraging dispute, and it is a dispute in which I participated—the Executive order proposed by the administration to very much narrow those eligible for Federal contract work. That dispute will go on for some time, but I cannot think of a worse piece of legislation to be dragged into the dispute. It should not be ensnared. It should become another demonstration of what Republican and Democrat Presidents said to the Nation in Philadelphia yesterday. I hope the other side would think very carefully about drawing the Volunteer Protection Act, which is an extension of efforts to strengthen the American volunteer, into that dispute.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R. F. Bennett, and Mike DeWine.

Mr. COVERDELL. Mr. President, for the information of all Senators, this cloture vote would occur on Wednesday of this week if cloture is not invoked tomorrow at 2:15. As always, all Senators will be notified as to when they can anticipate this vote on Wednesday, if it is necessary.

#### MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 30

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

#### *To the Senate of the United States:*

I am gratified that the United States Senate has given its advice and consent to the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the "Convention").

During the past several months, the Senate and the Administration, working together, have prepared a resolution of advice and consent to ratification of unusual breadth and scope. The resolution that has now been approved by the Senate by a strong, bipartisan vote of 74-26 contains 28 different Conditions covering virtually every issue of interest and concern. I will implement these provisions. I will, of course, do so without prejudice to my Constitutional authorities, including for the conduct of diplomatic exchanges and the implementation of treaties. A Condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution.

I note that Condition (2) on Financial Contributions states that no funds may be drawn from the Treasury for payments or assistance under the Convention without statutory authorization and appropriation. I will interpret this Condition in light of the past practice of the Congress as not precluding the utilization of such alternatives as appropriations provisions that serve as a statutory authorization.

I am grateful to Majority Leader Lott, Minority Leader Daschle, and Senators Helms, Biden, Lugar, Levin, McCain and the many others who have devoted so much time and effort to this important ratification effort. It is clear that the practical result of our work together on the Convention will well serve the common interest of advancing the national security of the United States. In this spirit, I look forward to the entry into force of the treaty and express my hope that it will lead to even more important advances in the United States, allied, and international security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 25, 1997.

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 31

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

—In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right,

pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

—In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

—In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

—In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

—In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention

will be transferred for analysis to any laboratory outside the territory of the United States.

—In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

—In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative

technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act of 1997 (as contained in Public Law 104-208), I determined that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

—In connection with Condition (28), Constitutional Protection Against Unreasonable Search and Seizure: (i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized, and (ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

In accordance with Condition (26) on Riot Control Agents, I have certified that the United States is not restricted by the Convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in a use of force of a scope, duration and intensity that would trigger the laws of war with respect to U.S. forces.

In connection with Condition (4)(A), Cost Sharing Arrangements, which calls for a report identifying all cost-sharing arrangements with the Organization, I hereby report that because the Organization is not yet established and will not be until after entry into force of the Convention, as of this date there are no cost-sharing arrangements between the United States and the Organization to identify. However, we will be working with the Organization upon its establishment to develop such arrangements with it and will provide additional information to the Congress in the annual reports contemplated by this Condition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 25, 1997.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1752. A communication from the Administrator of the Agricultural Marketing Service, transmitting, pursuant to law, a

rule entitled "Onions Grown in South Texas" (FV97-959-1) received on April 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1753. A communication from the Acting Administrator of the Farm Service Agency, transmitting, pursuant to law, a rule entitled "Amendments to the Regulations" (RIN0560-AF12) received on April 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1754. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the state of the reserves; to the Committee on Armed Services.

EC-1755. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Nuclear Attack Submarines"; to the Committee on Armed Services.

EC-1756. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled "Exchange Visitor Program" received on April 17, 1997; to the Committee on Foreign Relations.

#### REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. WARNER, from the Committee on Rules and Administration:

Special Report entitled "Review of Legislative Activity by the Committee on Rule and Administration During the 104th Congress" (Rept. No. 105-14).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOL-

LINGS, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI):

S. Res. 79. A resolution to commemorate the 1997 National Peace Officers Memorial Day; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

##### UNIVERSITY OF ALASKA LAND GRANT

Mr. MURKOWSKI. Mr. President, in my State of Alaska the University of Alaska is the oldest post-secondary school. The university was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world. The expertise of the university has been in many areas, mining, agriculture, arctic and subarctic sciences.

Additionally, the university has served as an important cornerstone in the history of our State. For example, the university housed the Alaska Constitutional Convention where the fathers of our statehood act carved out the rights and privileges guaranteed to Alaskan citizens. Further, Mr. President, the university is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska unique is the fact that it is the only land-grant college in the Nation that is virtually landless today.

As some of my colleagues know, one of the oldest and most respected ways of financing America's educational system has been from the land-grant system. This was established in 1785 and the practice gives land to schools and universities for their use in supporting their educational endeavors. In 1862, Congress passed what was then known as the Morrill Act, which created the land-grant colleges and universities as a way to underwrite the cost of higher education to more and more of America's young people. These colleges and universities received land from the Federal Government for facility location, and more importantly as a way to provide for sustaining revenues to those educational institutions.

Mr. President, the University of Alaska received the smallest amount of land of any State, with the exception of Delaware that has a land-grant college. Delaware received about 90,000 acres. Even the land-grant college in Rhode Island received more land from the Federal Government than has the University of Alaska. Rhode Island received 120,000 acres.

In a State the size of Alaska, about 365 million acres, we should logically have one of the best and most fully

funded land-grant colleges in the country. Yet, to date, the University of Alaska only has about 111,000 acres. Unfortunately, without the land promised to Alaska under the land-grant allocation system in earlier legislation, the university is unable to share as one of the premier land-grant colleges in this country.

Previous efforts were made in Congress to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's delegate to Congress, Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres in the Tanana Valley outside Fairbanks for the support of an agriculture college and school of mines.

Following the practice established in the lower 48 States for the other land-grant colleges, Wickersham's bill set aside every section 33 of the unsurveyed Tanana Valley for the Alaska Agriculture College and Schools of Mines.

Alaska's educational future at that time looked favorable. Many Alaskans saw the opportunity to set up an endowment system similar to that set up by the University of Washington in the downtown center of Seattle, WA, where valuable university lands are leased providing funding for the university's maintenance and upkeep as well as some capital projects.

However, in Alaska's case, before the land could be transferred to the Alaska Agricultural College and School of Mines, renamed the University of Alaska in 1935, the land had to be surveyed in order to establish the exact acreage included in the reserve lands.

The section reserved for education could not be transferred to the college until they had been delineated. According to records at the time, it was unlikely given the incredibly slow speed of surveying that the land could be completely surveyed before the end of the current century. Surveying is still an extraordinarily slow process in Alaska's remote and unpopulated terrain.

In all, only 19 section 33's, or approximately 11,211 acres, were ever transferred to the University of Alaska. Of this, 2,250 acres were used for the original campus, and the remainder was left to the discretion of the board of regents to support educational programs and facilities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the university. This grant totaled approximately 100,000 acres, and to this day comprises the bulk of the university's total 111,211 acres of land—less than one-third of what was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the unfulfilled land grants. The university was thus left with little land with which to support itself and is thus un-

able to completely fulfill its mission as a land-grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the university in 1915 and put the university on an even footing with other land-grant colleges in the United States. It provides the university with the land needed to support itself financially and it offers the chance to grow and continue to act as a responsible steward of the land and educator of young Alaskans. It also provides a concrete timetable under which the university must select its land and the Secretary of Interior must act upon those selections.

This legislation also contains significant restrictions on the land that the university can select. The university cannot select land located within a conservation system unit, land validly conveyed to the State or an ANCSA corporation or land used in connection with Federal or military institutions.

Accordingly, Mr. President, under my bill, the university must relinquish extremely valuable inholdings in Alaska once it receives its second-tier State/Federal grant under section 6, of this bill. Therefore, the result of this legislation will mean, specifically, relinquishment of prime university inholdings in such magnificent areas as the Alaska Peninsula and Maritime National Wildlife Refuge, the Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve and Denali Park and Preserve. Mr. President, not only does this bill uphold a decades-old promise to the University of Alaska, it further protects Alaska's unique parks and refuges.

Recognize, Mr. President, my bill requires the State to participate in the process, as well, under an option. Specifically, the bill would grant the university 250,000 acres of Federal land. The university would be eligible to receive another 250,000 acres of Federal land on a matching basis with the State, for a total of 500,000 additional acres. This would be at the option of the legislature, the Governor, and the university's board of regents.

Mr. President, the State matching provision is an important component of this legislation. Most agree with the premise that the university was shorted land. However, some believe it is the sole responsibility of the Federal Government to compensate the university with land, while others believe it is solely the responsibility of the State to grant the university land. The legislation I am introducing today offers a compromise, a compromise giving both the State and the Federal Government the opportunity to contribute, as well as provide the Government with valuable inholdings in Federal parks and preserves.

With the passage of this bill, Mr. President, the University of Alaska will finally be able to act fully as a land grant college, and will be able to select lands that can provide the university with stable revenue sources, as

well as provide responsible stewardship for the lands.

This is an exciting time for the University of Alaska. The promises that were made 82 years ago could be fulfilled with this legislation, and Alaskans could look forward to a very bright future for the university and the many Alaskans who receive an education there.

I ask unanimous consent, at this time, to have printed in the RECORD the proposed inholdings that the University has which would be deeded over to the Federal Government under this legislation, a history of the university of Alaska's land grant from the time we were designated as a territory, land grant rankings of all the States, as well as a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;

(2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain federal land for the University of Alaska;

(3) the Territory was unable to receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by Sec. 6(k) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339);

(4) only one other state land grant college in the United States has obtained a smaller land grant from the federal government than the University of Alaska has received, and all land grant colleges in the western states of the United States have obtained substantially larger land grants than the University of Alaska;

(5) an academically strong and financially secure state university system is a cornerstone to the long-term development of a stable population and to a healthy, diverse economy and is in the national interest;

(6) the national interest is served by transferring certain federal lands to the University of Alaska which will be able to use and develop the resources of such lands and by returning certain lands held by the University of Alaska located within certain federal conservation system units to federal ownership;

(7) the University of Alaska holds valid legal title to and is responsible for management of lands transferred by the United States to the Territory and State of Alaska for the University and that an exchange of lands is consistent with and in furtherance of the purposes and terms of, and thus not in violation of, the Federal grant of such lands.

(b) PURPOSES.—The purposes of this act are—

(1) to fulfill the original commitment of Congress to establish the University of Alaska as a land grant university with holdings sufficient to facilitate operation and maintenance of a university system for the inhabitants of the State of Alaska; and

(2) to acquire from the University of Alaska lands it holds within federal Parks, Wildlife Refuges, and Wilderness areas.

#### SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and

the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of federal lands (or reserved interests in lands) in or adjacent to Alaska as a federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior ("Secretary") shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48 month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: *Provided*, That the University may select small tracts of federal land within federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

(4) The University shall make no selections within Conservation System Units as defined in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).

(5) Within forty-five (45) days of receipt of a University tentative selection, the Secretary shall publish notice of said selection in the Federal Register. Such notice shall identify lands included in the tentative selection and provide for a period for public comment on the tentative selection not to exceed sixty (60) days.

(6) Within six months of the receipt of a University tentative selection, the Secretary shall notify the University of his acceptance or objection to each tentative selection, including the reasons for any objection. Failure to object within six months shall constitute approval by the Secretary. Any public comments submitted in response to a public notice issued pursuant to paragraph (5) above may be considered by the Secretary: *Provided*, That the Secretary may object to tentative selections of the University if and only if he demonstrates that a conveyance of such to the University—

(A) will have a significant adverse impact on the purposes for which a Conservation System Unit was established; or

(B) will have a significant adverse impact on fulfillment of the Alaska Statehood Act or the Alaska Native Claims Settlement Act. (43 U.S.C. 1601)

(7) The Secretary's acceptance of, or objection to, any tentative selections submitted by the University of Alaska pursuant to Section 2 of this Act or the conveyance of any such selections by tentative approval, patent or other instrument are not major federal actions within the means of section 102 (2)(c) of P.L. 91-190.

(8) The Secretary shall publish notice of any decision to accept or object to a tentative selection in the Federal Register.

(c) The Secretary shall not approve or convey, under this grant,

(1) any federal lands which, at the time of enactment of this Act, are included in a Conservation System Unit;

(2) any federal lands validly selected or top filed pursuant to §906(e) of Public Law No.

96-487 but not conveyed to the State of Alaska or the corporations pursuant to the Alaska Native Claims Settlement Act; or

(3) any federal lands withdrawn and actually used in connection with the administration of any federal installations and military reservations unless the head of the land holding or occupying agency or entity agrees.

(d) If, following the Secretary's review of tentative selections by the University, the amount of acreage approved by the Secretary for conveyance is less than the full primary grant, the University may select additional lands to satisfy the primary grant.

(e) Upon the University's tentative selection of land—

(1) Such land shall be segregated and unavailable for selection by and conveyance to the State of Alaska or any corporation organized pursuant to the Alaska Native Claims Settlement Act and shall not be otherwise encumbered or disposed of by the United States pending completion of the selection process.

(2) The University shall possess the non-exclusive right to enter onto such lands for the purpose of—

(A) assessing the oil, gas, mineral and other resource potential therein. The University, and its delegates or agents, shall be permitted to engage in assessment techniques including but not limited to core drilling to assess the metalliferous or other values, and surface geological exploration and seismic exploration for oil and gas: *Provided* That this paragraph shall not be construed as including or allowing exploratory drilling of oil and gas wells; and

(B) exercising due diligence regarding the making of a final selection.

(f) Within one year of the Secretary's approval of a tentative selection, the University may make therefrom a final selection pursuant to this Act. Within six months of such final selection by the University, the Secretary shall issue a tentative approval of such final selection. Such tentative approval shall be deemed to transfer to the University all right, title, and interest of the United States in and to the described selection. Any lakes, rivers and streams contained within such selections shall be meandered and lands submerged thereunder conveyed in accordance with 43 U.S.C. §1631, as amended. Upon completion of a survey of lands included within such tentative approval, the Secretary shall promptly issue patent to such lands. Pending issuance of a patent, the University shall have rights and authorities over tentatively approved lands consistent with those under the Alaska Statehood Act and the Alaska Native Claims Settlement Act, including the right to transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interest in the lands granted pursuant to this Act.

(g) The Secretary of Agriculture, as well as the heads of other federal agencies, shall take such actions as may be necessary to facilitate and expedite the implementation of this Act by the Secretary of the Interior.

### SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF ALASKA HOLDINGS.

(a) As a condition to receiving the land grant provided by Section 6 of this Act, the University of Alaska shall convey to the Secretary those lands listed in "The University of Alaska's Inholding Reconveyance Document" and dated April 24, 1997.

(b) The University shall begin conveyance of the lands listed in (a) above upon taking title to lands it has selected pursuant to section 6 of this Act and shall convey to the Secretary a percentage amount of land proportional to that which it has received, but in no event shall it be required to convey any lands other than those listed in (a) above

to the Secretary. The Secretary shall accept quitclaim deeds from the University for these lands.

### SEC. 4. ALIENATION OF LANDS.

Notwithstanding any other provision of law, the University of Alaska may transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present future interests in the lands granted pursuant to this Act.

### SEC. 5. JUDICIAL REVIEW.

The University of Alaska has the right to bring action for, including but not limited to, relief in the nature of mandamus, against the Secretary for violation of this Act or for review of an agency decision under this Act. Such an action can only be brought in the United States District Court for the District of Alaska and within two (2) years of the alleged violation or the final decision-making. For all other entities or persons, decisions of the Secretary shall be final and conclusive.

### SEC. 6. STATE MATCHING GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth in this Act, the University is granted and shall be entitled to take, in addition to the primary grant provided for in Section 2 herein, up to another 250,000 acres in federal lands (or reserved interests in lands) in or adjacent to Alaska: *Provided* That any additional acres are granted, as specified below, on a matching acre-for-acre basis to the extent that the State of Alaska shall first grant to the University State-owned land in Alaska.

(b) The university may select and the Secretary shall convey lands which the University is entitled to receive pursuant to this State Matching Grant Provisions in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

### HISTORY OF THE UNIVERSITY OF ALASKA LAND GRANT

1785—The Ordinance of 1785 established the rectangular survey of New England as the basis of which all land west of Ohio would be subdivided. Land was surveyed into townships composed of 36 sections of 640 acres or one square mile each. The law also established the principle of reserving section 16 of every township "for the maintenance of public schools."

1848—With the Admission of Oregon in 1848, the grant doubled from one section to two sections (16 & 36). Three of the last four states admitted into the union, UT, NM, and AZ each got four sections (2, 16, 32, and 36).

1842—The Morrill Act passed which dedicated lands to states for "agriculture and mechanic arts". The grants were based on population as measured by the size of the delegation with each state receiving approximately 30,000 acres/member.

1915—Alaska Delegate James Wickersham pushed through a measure in Congress which reserved lands for a common school system and an agricultural land grant college in the Tanana Valley. The bill followed the pattern of reserving 2 sections of every township for support of "common schools." (About 20 million acres in AK). Wickersham's bill also set aside every section 33 in the Tanana Valley for support of an agricultural college and school of mines. (Approx. 250,000 acres).

1916—Wickersham introduces first statehood bill "Granting" 11.3 million acres for higher education and 20 million acres for public schools.

1917—Alaska territorial legislature formally incorporates the Alaska Agricultural College and School of Mines (Renamed UA in 1935) as Alaska's land grant institution.

Up to this point no land had ever been transferred to University due to fact that all bills required a survey to occur before transfer and AK had never been surveyed.

By the time federal grant would be revoked only 19 section 33's out of a possible 420 had been surveyed and transferred to the University. Ultimately the University received 11,211 acres of section 33's of which 2,250 were the original campus.

1929—Congress passes act "Granting" 100,000 acres for the "exclusive use an benefit" of the Alaska Agriculture College and School of Mines making up the bulk of the University's approx. 111,000 acres.

1936 to 1943—During the 74th, 75th, 76th, 77th, and 78th Congress Alaska Delegate Anthony J. Dimond Introduced five identical bills to extend the 1915 land grant to all section 33's, not just those in the Tanana Valley, for a total land grant of approx. 10 million acres.

1943—Bartlett introduces statehood bill reserving two sections of each township (20m acres) for support of schools and 1 section of every township (10m acres) for higher education. For the most part this formula existed in all statehood bills through 1949. (Exception is a compromise bill between Bartlett and then-Secretary Gardner during mid 40's which never went anywhere).

1950—Since Alaska could not receive title to a specific section of land until it was surveyed in 1950 Congress rejected "in place grants" of specific sections of townships and endorsed the concept of "quantity" grants. This concept was incorporated in all future statehood bills.

All statehood bills during the 50's supported around 103.3 million acres for the state with a typical breakdown as follows:

100m acres—general grant;  
8m—community development grants to be used for expansion of communities; and  
3.25m—for "internal improvements as follows  
500,000 acres—university;  
500,000 acres—teacher's college;  
500,000 acres—public buildings;  
200,000 acres—schools and asylums (deaf, dumb, and blind);  
200,000 acres—penitentiaries;  
200,000 acres—mental institutions;  
200,000 acres—charitable, penal, and reform institutions; and

250,000 acres—pioneer homes.

1954—UA President Ernest Patty made several requests to DOI for more land including lands in the NPR-A.

1955—University Board Of Regents passes resolution asking Congress to give University authority to select up to 500,000 acres with mineral rights.

1958—With the passage of Statehood the "internal improvement grants"—including the University's 500,000 acres and the 500,000 acres for the University's teacher training programs were consolidated into the 100 million-acre general grant leaving disposition of all 102,550,500 acres at the discretion of the legislature. Statehood also canceled the 1915 education reserve (though it did confirm the University's rights to the few thousand acres of section 33 land that were already reserved and surveyed).

Passage of the Statehood bill virtually ended all discussion of federal land grants.

1959—University attorney, Ed Merdes, wrote Senator Bartlett about impact of Statehood bill on Tanana selections. After extensive research a legislative aide, Joe Josephson wrote Merdes back and said unequivocally that Congressional intent in the statehood bill was for the new state government to address University land grant;

"The theory of the land-grant provisions in the statehood act was they would replace inter alia (among other things) the reservations authorized in 48 U.S.C. 353 and that the state university would petition the state government to satisfy the needs of the University which previously to statehood were met in part by 48 U.S.C. 353." (Josephson to Merdes, 10 November 1959, Pres Papers)

1959—House Bill No. 176. Of the New Legislature declared the intent to reserve one million acres for the university and declared the legislature's ultimate attempt to reserve 5 million acres "for the purpose of replacing those grants previously allowed under federal law . . . which has been superseded . . . and for the further purpose of establishing a means by which the University may be properly maintained and operated and direct state support thereby reduced."

To much surprise Governor Egan vetoed the bill. His main reason was that this could lead to further earmarking of state land and dollars for other "internal improvements" and that this was not sound administrative procedure. Egan suggested it was much more prudent to appropriate and bond for the University.

1960's—With Governor Egan's opposition to the State grant future bills never received much support in the legislature. With the defeat of Egan in 1966 by Walter Hickel, Hickel promised a new era of Alaska economic development and support for the University. Yet one month later Secretary Udall declared a land freeze in Alaska that virtually brought all state land selections to a halt, and consequently froze the University land grant as well.

1970's—Legally and politically the Alaska land picture grew more complex year-by-year. Within the next 15 years the open public domain in AK would essentially vanish, as the entire state was parceled off among development interests, environmental interests, and native groups with the passage of ANCSA in 1971, construction of TAPS in 74-77, and passage of ANILCA in 1980.

1995—After passing the legislature Governor Knowles vetoed a SB 16 granting the University 350,000 acres of state lands. The Governor declared his support for the concept but wanted assurances that: (1) the University would not select any lands needed by growing communities; (2) oil found on "new" university lands were subject to permanent fund requirements and royalties and bonus payments to the state; and (3) that all environmental and mineral entry laws would apply.

1996—FHM bill introduced in Senate setting up a matching grant provision.

1996—A new bill, SB 250, passed the legislature by a 46-12 vote and was again vetoed by Governor Knowles for many of the same reasons stated in the first veto.

Region and area	UA ID number	Acres	Federal land type
South Central:			
Alaska Peninsula .....	AP.UJ.001 .....	8	AK Peninsula & Maritime National Wildlife Refuge.
.....do .....	AP.UJ.001 .....	360	Do.
.....do .....	AP.UJ.002 .....	8	Do.
.....do .....	AP.WB.001 .....	622	Do.
.....do .....	AP.WB.002 .....	56	Do.
Nuka Island .....	HM.NK.001 .....	23	Kenai Fjords National Park.
.....do .....	IIM.NK.002 .....	24	Do.
Blackburn Subd. ....	WR.BB.001 .....	5	Wrangell St. Elias National Park & Preserve
.....do .....	WR.BB.002 .....	17	Do.
.....do .....	WR.BB.003 .....	2	Do.
.....do .....	WR.BB.004 .....	34	Do.
McCarthy Creek Subd .....	WR.MC.001-071 .....	867	Do.
.....do .....	WR.MY.003 .....	1,304	Do.
.....do .....	WR.MY.004 .....	320	Do.
.....do .....	WR.MY.005 .....	2,240	Do.
.....do .....	WR.MY.006 .....	640	Do.
.....do .....	WR.MY.007 .....	400	Do.
.....do .....	WR.MY.008 .....	372	Do.
.....do .....	WR.MY.009 .....	400	Do.
Strelna .....	WR.SN.001 .....	400	Do.
.....do .....	WR.SN.002 .....	1,452	Do.
.....do .....	WR.SN.004 .....	424	Do.
Wrangell Glaciers .....	WR.WG.001 .....	20	Do.
.....do .....	WR.WG.002 .....	136	Do.
.....do .....	WR.WG.003 .....	103	Do.
.....do .....	WR.WG.004 .....	82	Do.
Wrangell St. Elias .....	Orange Hill .....	1,600	Do.
Denali .....	Stampede Mine .....	71	Denali National Park & Preserve.
Total .....		11,990	

## SUMMARY

Federal Conservation System Unit	Acres
AK Peninsula & Maritime National Wildlife Refuge .....	1,054
Kenai Fjords National Park .....	47
Wrangell St. Elias National Park & Preserve .....	10,818
Denali National Park & Preserve .....	71
Total acres .....	11,990

## Ranked by the amount of federal land given to Higher Education

1. New Mexico .....	1,346,546
2. Oklahoma .....	1,050,000
3. New York .....	990,000
4. Arizona .....	849,197
5. Pennsylvania .....	780,000
6. Ohio .....	699,120
7. Utah .....	556,141
8. Illinois .....	526,080
9. Indiana .....	436,080

## Ranked by the amount of federal land given to Higher Education—Continued

10. Montana .....	388,721
11. Idaho .....	386,686
12. Alabama .....	383,785
13. Missouri .....	376,080
14. South Dakota .....	366,080
15. Massachusetts .....	360,000
16. Mississippi .....	348,240
17. Washington .....	336,080
18. North Dakota .....	336,080

*Ranked by the amount of federal land given to  
Higher Education—Continued*

19. Wisconsin .....	332,160
20. Kentucky .....	330,000
21. Tennessee .....	300,000
22. Virginia .....	300,000
23. Iowa .....	286,080
24. Michigan .....	286,080
25. Georgia .....	270,000
26. North Carolina .....	270,000
27. Louisiana .....	256,292
28. Minnesota .....	212,160
29. Maine .....	210,000
30. Maryland .....	210,000
31. New Jersey .....	210,000
32. California .....	196,080
33. Arkansas .....	196,080
34. Florida .....	182,160
35. Connecticut .....	180,000
36. South Carolina .....	180,000
37. Texas .....	180,000
38. Kansas .....	151,270
39. New Hampshire .....	150,000
40. Vermont .....	150,000
41. West Virginia .....	150,000
42. Colorado .....	138,040
43. Oregon .....	136,165
44. Nevada .....	136,080
45. Nebraska .....	136,080
46. Wyoming .....	136,080
47. Rhode Island .....	120,000
48. Alaska .....	112,064
49. Delaware .....	90,000
50. Hawaii .....	0
Total .....	16,707,787
Average .....	334,156

*Ranked by the percentage of the State grant  
given to Higher Education*

1. New York .....	100.00
2. Pennsylvania .....	100.00
3. Massachusetts .....	100.00
4. Tennessee .....	100.00
5. Virginia .....	100.00
6. Georgia .....	100.00
7. North Carolina .....	100.00
8. Maine .....	100.00
9. Maryland .....	100.00
10. New Jersey .....	100.00
11. Connecticut .....	100.00
12. South Carolina .....	100.00
13. Texas .....	100.00
14. New Hampshire .....	100.00
15. Vermont .....	100.00
16. West Virginia .....	100.00
17. Rhode Island .....	100.00
18. Delaware .....	100.00
19. Kentucky .....	93.06
20. Oklahoma .....	33.92
21. Ohio .....	25.34
22. Washington .....	11.04
23. Indiana .....	10.79
24. South Dakota .....	10.66
25. North Dakota .....	10.62
26. New Mexico .....	10.52
27. Idaho .....	9.09
28. Illinois .....	8.44
29. Arizona .....	8.05
30. Alabama .....	7.67
31. Utah .....	7.41
32. Montana .....	6.52
33. Mississippi .....	5.71
34. Missouri .....	5.07
35. Nevada .....	4.99
36. Nebraska .....	3.93
37. Iowa .....	3.55
38. Wisconsin .....	3.26
39. Wyoming .....	3.13
40. Colorado .....	3.09
41. Michigan .....	2.36
42. Louisiana .....	2.24
43. California .....	2.22
44. Kansas .....	1.94
45. Oregon .....	1.94
46. Arkansas .....	1.64
47. Minnesota .....	1.29

*Ranked by the percentage of the State grant  
given to Higher Education—Continued*

	Percent
48. Florida .....	0.75
49. Alaska .....	0.11
50. Hawaii .....	0.00
Total .....	5.09
Average .....	42.01

*Ranked by the amount of federal land given to  
the State*

1. Alaska .....	104,569,251
2. Florida .....	24,214,366
3. Minnesota .....	16,422,051
4. New Mexico .....	12,794,718
5. Michigan .....	12,142,846
6. Arkansas .....	11,936,834
7. Louisiana .....	11,441,343
8. Arizona .....	10,543,753
9. Wisconsin .....	10,179,804
10. California .....	8,825,508
11. Iowa .....	8,061,262
12. Kansas .....	7,794,669
13. Utah .....	7,501,737
14. Missouri .....	7,417,022
15. Oregon .....	7,032,847
16. Illinois .....	6,234,655
17. Mississippi .....	6,097,997
18. Montana .....	5,963,338
19. Alabama .....	5,006,883
20. Colorado .....	4,471,604
21. Wyoming .....	4,342,520
22. Idaho .....	4,254,448
23. Indiana .....	4,040,518
24. Nebraska .....	3,458,711
25. South Dakota .....	3,435,373
26. North Dakota .....	3,163,552
27. Oklahoma .....	3,095,760
28. Washington .....	3,044,471
29. Ohio .....	2,758,862
30. Nevada .....	2,725,226
31. New York .....	990,000
32. Pennsylvania .....	780,000
33. Massachusetts .....	360,000
34. Kentucky .....	354,607
35. Tennessee .....	300,000
36. Virginia .....	300,000
37. Georgia .....	270,000
38. North Carolina .....	270,000
39. Maine .....	210,000
40. Maryland .....	210,000
41. New Jersey .....	210,000
42. Connecticut .....	180,000
43. South Carolina .....	180,000
44. Texas .....	180,000
45. New Hampshire .....	150,000
46. Vermont .....	150,000
47. West Virginia .....	150,000
48. Rhode Island .....	120,000
49. Delaware .....	90,000
50. Hawaii .....	0
Total .....	328,426,536
Average .....	6,568,531

**By Mr. MCCAIN:**

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

COASTWISE TRADE VESSEL WAIVERS  
LEGISLATION

• Mr. MCCAIN. Mr. President, I introduce legislation that would provide an administrative process for obtaining a waiver of the coastwise trade laws to allow certain vessels to commercially operate in the coastwise trade. This legislation will improve the responsiveness of the Federal Government in meeting the needs of many vessel-operating small businesses.

The coastwise trade laws require that vessels operating between U.S. ports be

built and documented in the United States and owned and operated by U.S. citizens. Today, if a U.S. citizen owner of a foreign-built vessel wants to carry passengers for hire on that vessel in the coastwise trade of the United States, that person must obtain a legislative waiver of the coastwise laws.

Many of my colleagues are familiar with these private relief bills. The legislative process for consolidating these numerous House and Senate bills usually involves including them in the Coast Guard authorization bill for final passage.

While some Members may value the current process as a useful constituent service, it often delays resolution of a constituent's request by a year or more, causing financial hardship for the constituent's business. The potential influence of campaign contributions on such private relief bills is also a concern. The legislative process is slow, inefficient, and potentially unfair. Our constituents would be better served by delegating this waiver authority for noncontroversial requests to an appropriate administrative agency.

My bill would authorize the Secretary of Transportation to administratively waive certain coastwise trade restrictions for vessels that meet the following criteria, which the Commerce Committee currently uses to determine if a waiver is warranted:

First, this waiver authority would apply to foreign-built vessels of at least 3 years of age, and U.S.-built vessels that were rebuilt in foreign countries at least 3 years prior to the effective date of the waiver. The vast majority of the waiver requests considered by the Commerce, Science, and Transportation Committee in the past 3 years were for vessels of at least this age that had originally been used for recreational or other noncoastwise purposes.

Second, this bill would limit the coastwise trade use of vessels obtaining such privileges through this process to service carrying a maximum of 12 passengers for hire. Again, the vast majority of waiver requests considered by the Commerce Committee specified this type of intended use.

Finally, the Secretary would be required to make a determination that the use of the applicant's vessel in the coastwise trade would not adversely affect U.S.-vessel builders or the coastwise trade business of any person who employs U.S.-built vessels in the same trade. An exemption granted under this authority could be revoked if the vessel use substantially changes so as to cause such problems.

Mr. President, during the 104th Congress, 73 of the 119 bills considered by the Commerce Committee were requests for waiver of the coastwise trade laws for special vessels. If my bill is enacted, only a few waiver requests falling outside the above criteria would need to be considered by the Commerce Committee each year, allowing the



Committee to focus its attention on more weighty matters.

This bill would not authorize exemption from existing U.S. citizen ownership and crewing requirements. Also, this bill would not apply to vessels used for any purpose other than the carriage of a maximum of 12 passengers for hire. My approach to these waivers is supported by the Passenger Vessel Association, National Association of Charterboat Operators, the Offshore Marine Services Association, the Committee for Private Offshore Rescue and Towing, and the Shipbuilders Council of America.

Mr. President, I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PASSENGER VESSEL ASSOCIATION,  
Arlington, VA, March 10, 1997.

Mr. JIM SARTUCCI,

*Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

DEAR MR. SARTUCCI, in response to your earlier communication regarding Chairman McCain's interest in developing a new process for evaluating proposed waivers from the U.S.-built requirement of the Jones Act or the Passenger Service Act, the Passenger Vessel Association will not object to a proposal which:

Clearly states the vessels in question are limited to those certified to carry 12 or fewer passengers; shifts the burden of proving "no competitive impact" to the waiver applicant; provides that the Maritime Administration (MARAD) shall review the waiver if the vessel for which it was granted is relocated and, if MARAD determines that the vessel in its new location poses a competitive disadvantage to an existing operator, shall revoke the waiver; requires the Maritime Administration to devise a means of widely informing the passenger vessel industry about waiver requests that is separate from a simple Federal Register notice; includes a statement to the effect that the change does not reflect the committee's view on the overall integrity of the Jones Act or the Passenger Service Act.

Thank you for the opportunity to evaluate and comment on this proposed change to the law. If you have any questions, please do not hesitate to let me know.

Sincerely,

JOHN R. GROUNDWATER,  
*Executive Director.*

NATIONAL ASSOCIATION OF  
CHARTERBOAT OPERATORS,  
Washington, DC, February 20, 1997.

Chairman JOHN MCCAIN,

*Senate Commerce, Science, and Transportation Committee, Washington, DC.*

DEAR CHAIRMAN MCCAIN: I am writing you in support of the proposed legislative language for documentation of small passenger vessels on behalf of the National Association of Charterboat Operators (NACO), a 4,100 member association representing owners the charter industry. NACO appreciates the opportunity to comment on the proposed legislation.

NACO applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that very significantly depending on the size and the nature of business of the vessel. NACO is hopeful that this is the first step by

the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small passenger vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to ease these burdens, saving each company time and money.

By creating specific qualifications for documentation, the Committee creates standards for documentation for small passenger vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

Although NACO is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. NACO is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

Again, NACO is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

Thank you for your time and your attention to the need to ease unfair burdens placed on small business. If you need additional comments or information please contact me at (202) 546-6993.

Sincerely,

AMY J. TAYLOR,  
*Director of Congressional Affairs.*

OFFSHORE MARINE  
SERVICE ASSOCIATION,  
Harahan, LA, February 20, 1997.

Mr. JAMES SARTUCCI,

*Committee on Commerce, Science, and Transportation, Washington, DC.*

DEAR MR. SARTUCCI: The Offshore Marine Service Association (OMSA) has reviewed the draft language contained in your fax transmission of February 10. We understand and respect Chairman McCain's administrative objective and intention with respect to this legislative initiative. Consequently, speaking strictly for our constituency, OMSA has no absolute objection to the proposal to grant restricted and conditional coastwise trading privileges to certain small foreign built vessels. In actual fact, however, our association's members are not significantly affected, at least directly, by the specific parameters included in this proposed legislation. The PVA, and perhaps others, would appear to be the parties to whom we would normally defer on the specifics of this proposition.

As discussed, our own support is contingent upon retention of the protective covenants and limitations set forth in the proposal presented to us for consideration, viz. in (b)(1), that the vessel be strictly limited to service as a small passenger vessel or an uninspected passenger vessel as those terms are defined in Section 2101 of title 46, United States Code, and in (b)(2) and (c).

Finally, for the record, we ask that you please note that OMSA does have some discomfort with the precedent that could be set by this legislation. We harbor some concern it could conceivably "open the door" to subsequent, additional legislation that would,

relatively speaking, more seriously impact the coastwise trade protections afforded to U.S. flag vessels under the Jones Act and the Passenger Vessel Services Act. However, we accept, in good faith, the Chairman's stated objectives and the collateral safeguards that are promised.

OMSA would agree that the U.S. Maritime Administration (MARAD) could be the appropriate government agency within the Department of Transportation to consider and approve applications for the purposes of the proposal.

We thank you for keeping us advised of such proposals and for inviting our views. Please do not hesitate to contact the undersigned, at (504) 734-7622, if you have any questions or wish to discuss this matter in further detail.

Very truly yours,

ROBERT J. ALARIO,  
*President.*

[From the C-Port News, Mar. 1997]

#### SENATE COMMITTEE PROPOSES CHANGE TO JONES ACT

Congress will soon be proposing a major change to the Jones Act that will allow marine assistance operators to use foreign built vessels and vessels rebuilt outside the United States in their businesses.

The bill, introduced by Senator John McCain (R-AZ), Chairman of the Senate Commerce, Science, and Transportation Committee, allows for the use of a foreign built or rebuilt vessel in commercial coastwise trade when the vessel is over 3 years old and is used as a small or uninspected passenger vessel. Marine assistance towing vessels are classified by the Coast Guard as uninspected passenger vessels, not uninspected towing vessels.

Although the bill will help the marine assistance industry, it also contains two stipulations about which C-PORT is concerned. The bill allows the Secretary of Transportation to revoke the new documentation policy for foreign vessels if it is found to adversely affect U.S. vessel builders or other similar businesses using U.S. built vessels. According to the bill, "the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel if the Secretary determines that the employment of the vessel . . . will not adversely affect (1) United States vessel builders; or (2) the coastwise trade business of any person who employs vessels built in the United States in the business."

C-PORT sent the following letter to Chairman McCain to express support for the bill, but also to voice concern over these two stipulations:

"DEAR CHAIRMAN MCCAIN: C-PORT applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that vary significantly depending on the size and the nature of business of the vessel. C-PORT is hopeful that this is the first step by the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

"This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to

ease these burdens, saving each company time and money.

"By creating specific qualifications for documentation, the Committee creates standards for documentation for small vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

"Although C-PORT is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. C-PORT is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

"Again, C-PORT is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

"Thank you for your time and your attention to the need to ease unfair burdens placed on small business."

C-PORT expects this legislation to easily pass the Senate and the House. We will keep you informed as this measure moves through Congress. If you have any questions contact Amy Taylor (800) 745-6094.

SHIPBUILDERS COUNCIL OF AMERICA,

Alexandria, VA, February 27, 1997.

Mr. JAMES SARTUCCI,  
Senate Committee on Commerce, Science, and  
Transportation, Washington, DC.

DEAR JIM: Thank you for sending the most recent draft of Senator McCain's Jones Act waiver bill. SCA shares your basic objective of reducing the paperwork burden on Committee members and staff while in no way eroding or changing the U.S.-build requirement or any other provisions of the Jones Act.

SCA supports all of the suggested additions to Senator McCain's bill included in a letter of February 25 sent to you and Carl Bentzel by Rolf Marshall of the Maritime Cabotage Task Force (MCTF). Most importantly, these recommended changes will make it undeniably clear that by enacting this bill Congress in no way lessens or modifies the protections granted by cabotage statutes.

Therefore, SCA supports the February 19 draft of the Jones Act waiver bill along with the recommended changes described in the February 25 letter from the MCTF.

On behalf of the members of SCA I want to commend you for your diligence in crafting a new Jones Act waiver process that makes sense administratively while safeguarding the Jones Act.

Cordially,

PENNY L. EASTMAN,

President.●

#### ADDITIONAL COSPONSORS

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Montana [Mr. BURNS] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Arkansas

[Mr. HUTCHINSON] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 281

At the request of Mr. STEVENS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 281, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate \$1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 314

At the request of Mr. THOMAS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 388

At the request of Mr. LUGAR, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 388, a bill to amend the

Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps.

S. 493

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 518

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 518, a bill to control crime by requiring mandatory victim restitution.

S. 525

At the request of Mr. HATCH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 543

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 544

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 544, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 552

At the request of Mr. GREGG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 552, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

## SENATE RESOLUTION 76

At the request of Mr. THURMOND, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace of liberty around the world.

## SENATE RESOLUTION 79—TO COMMEMORATE THE 1997 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 79

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our children's right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 117 peace officers lost their lives in the performance of their duty in 1996, and a total of 13,692 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1997, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

*Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1997, is hereby designated as "National Peace*

*Officers Memorial Day"* for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. KEMPTHORNE. Mr. President, I rise today to submit a Senate resolution designating May 15, 1997, as National Peace Officers Memorial Day.

This is the fourth year in a row I have offered this resolution and I am proud to be joined this year by 55 of my colleagues in honoring the brave men and women who serve this country as peace officers.

## NOTICE OF HEARING

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 30, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is equal opportunity in Federal construction. For further information, please call the committee, 202-224-5375.

## ADDITIONAL STATEMENTS

## THE 82D ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. LEVIN. Mr. President, I rise today to commemorate the 82d anniversary of the Armenian genocide. Each year we remember and honor the victims and pay respect to the survivors we are blessed to have in our midst.

Approximately 1.5 million Armenians were killed under the Turkish Ottoman Empire during a 28-year period which lasted from 1894 to 1921. April 24, 1915, serves as a marking point for the government orchestrated carnage that took place. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople, including some 600 Armenian political and intellectual leaders.

History records that the world stood by, although it knew. Our Ambassador to the Ottoman Empire, Henry Morgenthau, telegraphed the following message to the American Secretary of State on June 16, 1915: "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion."

Not only did the world stand by while atrocities took place, but it also refused to learn the awful lessons that were taught during this period. One leader who did acknowledge the Armenian genocide was Winston Churchill, who wrote the following in 1929:

In 1915, the Turkish Government began and carried out the infamous general massacre

and deportation of Armenians in Asia Minor . . . the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.

But, for the most part, nations did not learn from history. The world looked away and genocidal horrors revisited the planet.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian genocide. •

## TRIBUTE TO THE GORHAM HIGH SCHOOL STUDENTS FOR THEIR PARTICIPATION IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 21 students from Gorham High School in Gorham, NH, who were recently selected to compete in the national finals of the "We the People . . . the Citizen and the Constitution" program to be held April 26-28 in Washington, DC. These high school students competed on the State level on February 10 for the opportunity to represent New Hampshire at the national competition, and will be among more than 1,200 students from 49 States and the District of Columbia to participate.

The distinguished members of the team representing New Hampshire are: David Arseneault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mire Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cindy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf.

All 21 New Hampshire students will be tested on the Constitution and Bill of Rights before simulated congressional committees to demonstrate their knowledge of constitutional principles and their relevance to contemporary issues. The competition in Washington will consist of 2 days of hearings; and the 10 finalists, with the highest scores, will compete for the title of national winner on Capitol Hill in a congressional hearing room.

Michael Brosnan, a teacher at Gorham High School, also deserves special recognition for helping these students prepare for the intense constitutional testing. Raymond Kneeland the district coordinator of the "We the People . . . the Citizen and the Constitution" program, Holly Belson, the State coordinator, and Howard Zibel, of the New Hampshire Bar Association, all contributed a significant amount of time and effort to help the students reach the national finals. As a former teacher myself, I applaud all of them on their

commitment to enriching the lives of these students.

The "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts from Gorham High School and their teacher, Michael Brosnan, the best of luck in preparing for the April national finals. We are proud to have them representing New Hampshire, and wish them luck as they prepare to be America's leader in the 21st century. ●

[At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.]

#### TESTIMONY OF MAJ. MICHAEL DONNELLY

● Mr. DODD. Mr. President, Maj. Michael Donnelly of Connecticut flew 44 missions for the Air Force during the Persian Gulf war. He is now afflicted with a neuro-muscular disorder he suspects was caused by chemical exposure in the war. I had the pleasure of meeting with Major Donnelly last week after he testified before the Human Resources Subcommittee of the House Committee on Government Reform and Oversight. His testimony provided a special insight into the plight of some Persian Gulf war veterans who fell ill after returning home.

Mr. President, I ask that his testimony be printed in the RECORD.

The testimony follows:

#### PREPARED STATEMENT OF MAJ. MICHAEL DONNELLY, U.S. AIR FORCE, RETIRED

Congressman Shays and members of this committee, I want to thank you for giving me the opportunity to testify before you today. My name is Major Michael Donnelly. I am not the enemy.

I was medically retired in October of 1996 after 15 years and 1 month of service as a fighter pilot in the Air Force. At the time Iraq invaded Kuwait, I was stationed at Hahn Air Base in Germany flying F-16s. My unit, the 10 Tactical Fighter Squadron, was attached to the 363rd Tactical Fighter Wing and deployed to Abu Dhabi in the United Arab Emirates on 1 January 1991 in support of Operation Desert Shield and then Desert Storm. My unit redeployed to Germany on the 15th of May 1991.

During the war, I flew 44 combat missions. On those missions I bombed a variety of targets, including strategic targets (airfields, production and storage facilities, missile sites, etc.), tactical targets (troops, battle-field equipment, pontoon bridges, etc.). I also flew Close Air Support, and Combat Air Patrol missions. Never during any of these missions was I warned of the threat of exposure to any chemical or biological weapons. Although we expected and trained for that eventuality, we never employed any of the procedures because we were never told that there was any threat of exposure. Had we been warned, there were steps we could have and would have taken to protect ourselves.

Unlike other veterans who have testified before you, I don't have a specific incident that I can remember during the war that might have caused my illness. However, I can tell you that I flew throughout the entire region of Iraq, Kuwait and much of

Saudi Arabia, to include in and around the oil smoke. Evidence now shows that chemical munitions storage areas and production facilities that were bombed by us released clouds of fallout that drifted over our troops through the air, and that's where I was. I know also of other pilots who do remember a specific incident that caused them to later become ill.

So while I cannot point to one event to explain my illness, I come before you today to tell you that I am yet another veteran from the Gulf War with a chronic illness. Upon return from the Gulf, I was reassigned to McDill Air Force Base in Tampa, Florida. It was here that I first started to experience strange health problems. It was nothing you could really pinpoint except to say that I didn't feel as strong as I once had or as coordinated. I felt like I was always fighting a cold or the flu.

By the summer of 1995, I was stationed at Sheppard Air Force Base in Texas. It was here that I believe my illness started and that I began to suspect that it was related to service in the Gulf. During the summer, I was exposed several times to malathion, which is a fairly dilute organophosphate-based pesticide used for mosquito control. The base's policy was to spray with a fogging truck throughout base housing where I lived with my family. I was exposed to the malathion fogging while I was running in the evenings. I would like to point out something I learned later: that organophosphate poison is the chemical basis for all nerve agents—it is a poison that kills just like a pesticide does.

It was immediately after my exposure to malathion that I started to have serious health problems. After this time, every time I ran I would get a schetoma—or blind spot—in front of my eyes and my heart would beat erratically. I started to have heart palpitations, night sweats, sleeplessness, trouble concentrating, trouble remembering, trouble taking a deep breath and frequent urination. I noticed that one cup of coffee would make me extremely jittery. I noticed that one beer would have an unusual intense effect on me. I was extremely tired much of the time. I had to put my head down on my desk to rest while I was working and I had to lie down at home before dinner after work.

It wasn't until December 1995 that I started to have trouble walking and experienced weakness in my right leg. It was then that I decided, right after the holiday season, I would go see the doctor. On the second of January 1996, I went to the flight surgeon at Sheppard Air Force Base. When I finished explaining my symptoms to him and mentioned that I had been in the Gulf War, he immediately started to tell me about the effects of stress. He told me that the other problems—heart palpitations, breathing difficulties, sleeplessness—were probably stress related, but that we needed to look into the weakness in the leg more, and I was referred to a neurologist.

During this first visit with the neurologist was when I first heard the line that I would hear throughout the whole Air Force medical system and that was: "There's no conclusive evidence that there's any link between service in the Gulf and any illness." Each time I heard this line, it was almost as if each person was reading from a script.

If an active duty field grade officer walks into a hospital and says he's sick and that he was in the Gulf War, why does the military not seize this opportunity to investigate whether there is any connection between service in the Gulf and this illness? How can they say they're looking for an answer when they deny it's even possible? How can they say there's no connection when they don't study the individuals who present symptoms

that might prove that connection? Instead, he gets "the line," which proves that no one is looking to see whether there is a problem. Only to deny that one exists. Why should I have to call and register for the Gulf War Registry when I'm active duty? I should automatically be put on the list as another person with a chronic illness who served in the Gulf. Again, if they were really looking for a problem, all they have to do is look.

My treatment included several trips to Wilford Hall Medical Center in San Antonio for MRIs, CT scans, muscle tests and multiple blood tests. Each time I mentioned I was a Gulf War veteran, I got "the line." At one point, a doctor in Wilford Hall gave me a three minute dissertation on how my illness absolutely could not be related to my service in the Gulf. One thing I noticed during my four or five visits to Wilford Hall was a room on the neurology ward labeled "Gulf War Syndrome Room." In none of my four or five visits was the door to this room ever open or the light on. I started to realize that because the military medical system would not acknowledge my illness could be related to the Gulf War, I would not get help.

Once I realized that, I began to seek help from civilian doctors, many of whom had already made the connection between service in the Gulf and the high incidents of unusual illnesses among the war's veterans. They had all the proof they needed: the thousands of veterans coming to them desperate for medical treatment. Because the military has not acknowledged this connection, my family and I have been forced to spend over \$40,000 of our own money in these efforts. Our search led us to people around the country with the same illnesses who were also Gulf War veterans. In the last twelve months, I have traveled all over this country and even to Germany looking for help.

Incredible as it may seem, the Air Force medical system initially wanted to retire me with 50 percent disability and temporary retirement with a diagnosis of ALS. Only after we hired a lawyer, at our own expense, and went before the medical board, were we able to change that determination to 100 percent and permanent retirement. All the while, I was contending with my declining health and the trauma to my family. I chose to not to fight over whether my illness was combat related, because I'd already seen the stonewalling that was going on and because I wanted to move my family back home. That was my own personal decision, made at a time when I knew I had other and far greater personal battles yet to fight.

Upon my retirement from the Air Force, I found myself worked into the VA medical system. What alternative did I have after my 15 years of service? I guess I'm one of the lucky ones, since I was:

1. still on active duty when I got sick; and
2. given a poor prognosis, which required them to treat me and compensate me. What alternative did they have?

The VA bureaucracy is difficult and slow at best. I am suffering from a fatal illness, where every month matters. I can sit here today and tell you that despite my situation—which you would think would warrant expeditious treatment and action—I ran into a red tape and paperwork nightmare that continues to consume my life today. However, once I finally got to see them, the medical personnel who have treated me have been very kind and understanding, despite the fact that there isn't much they can do. Maybe if we hadn't had six years of cover-up, there would be something they could do.

To this day, no one from the DOD or VA has contacted me personally to involve me in any tests or studies. I myself have found more than nine other Gulf War veterans, some who have already come before you, who

are also suffering from ALS, an unusual disease that rarely strikes individuals under the age of 50. In fact, with the ten of us who have ALS—and we are certain there are more out there whom we just haven't found—the incidence of ALS already far exceeds the normal incidence given the number of soldiers who served in the Gulf. Why is there no special emergency study of this outbreak? Why is no one worried about what is obviously a frightening incidence of a terrible neurological illness among such a young and healthy population? One thing I can tell you: this is not stress.

With every other Gulf War veteran we have found who has ALS, the common thread has been subsequent exposure to some kind of strong chemical or pesticide, such as malathion, diazinon, and lindane—which is used to treat head lice in children.

Why aren't the DOD and the VA warning everyone else who served in the Gulf War that they may get sick in the future, just as I got sick four years after I returned to the US. How many other people are out there waiting for that one exposure that will put them over the top? Why is no one putting the word out. A warning could save the lives and health of many individuals, could save them from going through what I am now going through. I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

I wonder how many flight mishaps or accidents that have happened since the war have involved Gulf War veterans. Those numbers shouldn't be hard to find: the military keeps records on all of that. In fact, I wager that someone out there already knows the answer to that question and hasn't shared it either because of a direct order not to or because the right person has yet to ask.

How many other pilots are still out there—flying—who are not quite feeling right? Just as I flew for four years after I returned from the Gulf, how many other pilots fear for their livelihood and the repercussions they know they would encounter were they to speak up because they know "There's no conclusive evidence that there's any link between service in the Gulf and any illness."

Imagine my dismay when the DOD announces \$12 million (a drop in the bucket) to study the Gulf War illnesses and four of those studies are centered around the effects of stress or post-traumatic stress disorder. You would think that the DOD and the VA would have an in-depth knowledge of the effects of stress after all the wars this country has fought. Most of them a lot more "stressful" than the Gulf War. Why aren't they taking our illnesses seriously? I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

Part of the ongoing cover up has been to trivialize the illnesses that Gulf War veterans are suffering from. In the press and from the VA, you hear about skin rashes and joint aches, about insomnia and fatigue. There is no doubt that these are real symptoms and are debilitating in and of themselves. But what you don't hear about is the high incidence of rare cancers, neurological illnesses such as ALS, and immune-system disorders that are totally debilitating. This is not stress. This is life and death.

Why is it impossible to get the right numbers from the DOD and the VA about how many veterans are sick or have sought treatment? Why is it more important to protect certain high-placed government officials than to care for veterans who are sick? When it comes time to fund the military, budget concerns are usually set aside in the interest of defense and the public good. Well, the national defense issue now is that it's public

knowledge that the DOD mistreats people who serve. America will have no one to fight its wars.

The primary goal at this point is not to find out whose fault all of this is. Someday, someone will need to investigate what happened and why. The people responsible for this tragedy should be found out and punished.

The top priority now for all of us is to help veterans and their families get their health and their lives back. Or at least that should be the goal. That should be your goal. All I want is what I brought to the Air Force: my health.

I'm not interested in hearing how surprised General Powell and General Schwartzkopf are about how we were all exposed to chemical weapons, or that the CIA really did know Hussein had these weapons, or that the CIA alerted the DOD to this fact. It's obvious now that there's been a cover up going on all this time as more and more information gets released or discovered. It's time for those people who know something—and they do exist—to come forward. And maybe we can save some lives.

During and after the war, we proclaimed to ourselves and to the world how we learned the lessons of Vietnam and fixed the military. We learned the lessons of Vietnam and we did it right this time. Last week, General Powell stated that we suffered only 149 casualties in the Gulf War. Well, I am here to tell you that the casualty count is still rising. Just like in Vietnam with Agent Orange, it appears that we didn't learn all the lessons. We still mistreat veterans. This country has again turned its back on the people who fight its wars, the individuals to whom it owes the most.

I want to thank you for what you are doing for the veterans who went to war for this country. Many of whom were squeezed out of the military right after the war and now find themselves out on the street, fighting the very institution they fought for. In the military, we have a tradition called the salute and it's used to show admiration and respect for an individual who has earned it. I salute you for what you are doing here. You go a long way in restoring this soldiers waning faith in a country that could so willingly desert it's own.

Remember: I am not the enemy. •

#### ORDERS FOR TUESDAY, APRIL 29, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Tuesday, April 29. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act, and I further ask unanimous consent that the time from 9:30 to 12:30 be equally divided between Senator COVERDELL and/or his designee, and the ranking member and/or his or her designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I now ask unanimous consent that on Tuesday, the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 2:15 on Tuesday on the motion to proceed to S. 543. If cloture is invoked tomorrow, there will be an additional hour of debate to be followed by a vote on the motion to proceed. Senators can therefore expect additional votes during Tuesday's session of the Senate.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, April 29, 1997, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 28, 1997:

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL J. ARMSTRONG, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE RICHARD THOMAS MOORE, RESIGNED.

##### FOREIGN SERVICE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE ANTHONY CECIL EDEN QUAITON.

##### IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 618 AND 628:

##### To be commander

THOMAS P. YAVORSKI, 0000

##### To be lieutenant commander

ROBERT J. BARTON, III, 0000

##### IN THE NAVY

THE FOLLOWING-NAMED SUPPLY CORPS OFFICERS FOR REGULAR APPOINTMENT IN THE LINE TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(A):

##### To be lieutenant commander

CRAIG L. HERRICK, 0000

##### To be lieutenant

JORGE A. MCCURLEY, 0000  
WILLIAM S. SEWELL, JR., 0000

##### To be lieutenant (junior grade)

JOHNNY E. BOWEN, 0000  
JOSEPH M. BYRD, 0000  
CHRISTOPHER R. COURTRIGHT, 0000  
STORMI J. LOONEY, 0000  
STEVEN R. SORCE, 0000  
WILLIAM J. STEGNER, 0000  
HAYDN A. THOMAS, 0000

##### To be ensign

BENJAMIN A. SNELL, 0000

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be captain

DAVID J. DAVIS, 0000  
CRAIG M. MARCELLO, 0000  
RADFORD D. TANKSLEY, 0000

##### To be commander

BRUCE R. BOYNTON, 0000  
JAMES H. GHERARDINI, JR., 0000  
JOHN R. HAGUE, 0000

##### To be lieutenant commander

TIMOTHY G. BATTRELL, 0000

AGNES D. BRADLEYWRIGHT, 0000  
JAMES L. CARUSO, 0000  
PAUL J. DEMARCO, 0000  
ELISE T. GORDON, 0000  
EDWARD W. HESSEL, 0000  
TIMOTHY R. KENNEDY, 0000  
FINSTER L. PAUL, 0000  
BRUCE A. STINNETT, 0000  
GAIL M. WILKINS, 0000

*To be lieutenant*

JOY D. ADAMS, 0000  
JULIE S. AKIYAMA, 0000  
JEFFREY G. ALBANUS, 0000  
RACHEL H. ALLEN, 0000  
MARK S. ANDERSON, 0000  
ELLEN A. ARGO, 0000  
WILLIAM A. BALDING, 0000  
LEAF A. BALLAST, 0000  
LAURA A. BARTON, 0000  
BRIAN R. BEHLKE, 0000  
KEITH R. BELAU, 0000  
JASON P. BERG, 0000  
DAVID A. BERGER, 0000  
DERRICK M. BILLINGS, 0000  
ROGER B. BLAIR, 0000  
MARK C. BRUINGTON, 0000  
MARK M. BUCHER, 0000  
WILLIAM A. BUCKNER, 0000  
DELL D. BULL, 0000  
TRACY L. BUTTERFIELD, 0000  
LLOYD V. CAFRAN, 0000  
JOHN D. CASSANI, 0000  
JOE R. CHARLTON, 0000  
JAMES G. CHRISTENSON, 0000  
GEOFFREY M. COAN, 0000  
CANDACE L. COLSTON, 0000  
ROBERT D. COPENHAVER, 0000  
ANDREW P. COVERT, 0000  
GERARDO CRUZ, 0000  
DAVID A. CULLER, JR., 0000  
JENNIFER A. DANIELS, 0000  
CASEY W. DANKERS, 0000  
WILLIAM A. DAROSA, 0000  
TONY F. DEALICANTE, 0000  
DAVID P. DELEO, 0000  
DAMIAN P. DERIENZO, 0000  
MISHELLE M. DETERMAN, 0000  
THOMAS C. DISY, 0000  
BRETT A. DIXON, 0000  
JOHN A. DUVENEZ, 0000  
DEMETRI ECONOMOS, 0000  
KARL P. EIMERS, 0000  
MICHAEL W. ENGEL, 0000  
SHARON L. FARLEY, 0000  
JOSE J. FERNANDEZ, JR., 0000  
MICHAEL S. FERRELL, 0000  
MARK G. FICKEL, 0000  
WILLIAM S. FINLAYSON, 0000  
ROSS A. FONTANA, 0000  
KEVIN D. FOSTER, 0000  
KEVIN W. GAINY, 0000  
JEANNETTE I. GARCIA, 0000  
MICHAEL J. GARDELLA, 0000  
STEPHEN G. GARNEA, 0000  
DENNIS E. GLOVER, 0000  
RICARDO A. GONZALEZ, 0000  
DOUGLAS J. GOODART, 0000  
DEBORA D. GOODMAN, 0000  
JEFFREY D. GORDAN, 0000  
ROBERT A. GRAMZINSKI, 0000  
HERMAN R. GREEN, 0000  
PAUL F. GRONEMEYER, 0000  
ULFUR T. GUDJONSSON, 0000  
FERDINAND G. HAFNER, 0000  
CHRISTOPHER S. HAHN, 0000  
ALAN F. HAMAMURA, 0000  
CYNTHIA E. HANSEN, 0000  
GENE A. HAWKS, 0000  
ANITA M. HENRY, 0000  
THOMAS C. HERRLD, 0000  
TIMOTHY E. HIBBETTS, 0000  
JAMES M. HILL, 0000  
NINA M. HILL, 0000  
RONALD L. HILL, 0000  
JOHN P. HOWARD, 0000  
SCOTT D. ISAACSON, 0000  
PETER M. JOHNSON, 0000  
KENN K. KANESHIRO, 0000  
DAVID M. KENEE, 0000  
THOMAS L. KENNEDY, 0000  
PAUL C. KIAMOS, 0000  
JEAN M. KILKER, 0000  
MATTHEW W. KILLMEYER, 0000  
CYNTHIA A. KUHN, 0000  
ELIZABETH D. LASSEK, 0000  
ALVA V. LAWRENCE, 0000  
JONNA L. LEADFORD, 0000  
CARLOS I. LEBRON, 0000  
MICHAEL S. LELAND, 0000  
DAN C. LEWIS, 0000  
DANIEL K. LEWIS, JR., 0000  
LOREN P. LOCKE, 0000  
PATRICK W. LUEB, 0000  
BRENDA K. MALONE, 0000  
DONALD C. MANNING, 0000  
MICHELLE MARCEAU, 0000  
PETER A. MARKS, 0000  
DANIEL P. MARTIN, 0000  
DON A. MARTIN, 0000  
WILLIAM J. MASLANKA, III, 0000  
WILLIAM B. MATTIMORE, I., 0000  
MARY A. MCCARET, 0000  
MATTHEW K. MCGEE, 0000  
EDWARD S. MCGINLEY, 0000  
MEGGAN C. MCGRAW, 0000

MARK W. MCMANUS, 0000  
JAMES E. MEEKINS, 0000  
GORDON E. MODARAI, 0000  
MARSHALL R. MONTEVILLE, 0000  
LEO J. MURPHY, 0000  
MANUEL A. MURPHY, 0000  
JODIE M. MUSTIN, 0000  
CHRISTIAN A. NELSON, 0000  
DAN A. NIGHTINGALE, 0000  
DIANNE M. OKONSKY, 0000  
CARLOS M. ORTIZ, 0000  
MICHAEL J. OSBORN, 0000  
ALBERT W. PARULIS, JR., 0000  
NANCY J. PATRICK, 0000  
KELLY S. PAUL, 0000  
DONALD D. PEALER, 0000  
LUIS M. PEREZ, 0000  
WILLIAM L. PETERSON, 0000  
NELIDA L. POLIKS, 0000  
STEPHEN M. POLITO, 0000  
LINDIE S. POLLOCK, 0000  
JAMES M. PRESTON, III, 0000  
KEVIN T. PRINCE, 0000  
BARBARA L. RAGAN, 0000  
SCOTT A. RAISON, 0000  
LUIS R. RAMIREZ, 0000  
JAMES B. RANDALL, 0000  
ALLISON F. REYES, 0000  
MELISSA A. ROBERTS, 0000  
STEPHEN J. ROCHNA, 0000  
PAUL R. RUSSO, 0000  
BARRY A. RUTBERG, 0000  
BRETT G. SAMUEL, 0000  
DAVID M. SANDSON, 0000  
RUTH M. SANTANA, 0000  
MARY D. SCHETZSL, 0000  
CLIFFORD D. SCHMIDT, 0000  
EDWARD C. SCHRANK, 0000  
KENNETH A. SCHROETER, 0000  
MATTHEW T. SECREST, 0000  
DOUGLAS D. SENNELLO, 0000  
CYNTHIA B. SHAWL, 0000  
GREGORY M. SHEAHAN, 0000  
PAIGE A. SHERMAN, 0000  
LINDA M. SHINN, 0000  
DAVID J. SILKEY, 0000  
SIMON Y. D. SMITH, 0000  
JOHN D. SPENCER, 0000  
JONATHAN M. STAHL, 0000  
MARK B. STEPHENS, 0000  
JOEL D. STEWART, 0000  
GEORGE A. STOEBER, 0000  
WENDY L. STOUDER, 0000  
JACK W. STRICKLAND, 0000  
RODEN T. SUMMERS, 0000  
MARICRES M. TALLEY, 0000  
ELIZABETH M. TANNER, 0000  
DENISE H. THOMPSON, 0000  
GEORGE A. THOMPSON, II, 0000  
TERESIA J. THOMPSON, 0000  
JANET E. THORLEY, 0000  
SCOTT D. TINGLE, 0000  
BRIAN P. TRAVERS, 0000  
PATRICK S. TRUITT, 0000  
LAWRENCE L. TURNER, 0000  
ERIC R. VETTER, 0000  
ROLLAND P. WATERS, 0000  
RICKY J. WATSON, 0000  
TERRY D. WEBB, 0000  
JOHN T. WILLIAMS III, 0000  
KEITH A. WILLIAMS, 0000

*To be lieutenant (junior grade)*

NEAL D. AGAMAITE, 0000  
HEATHER W. AGUSTINES, 0000  
MICHAEL J. ALLANSON, 0000  
KEITH A. APPELGATE, 0000  
CYNTHIA T. ASHLEY, 0000  
JEFFREY A. BAYLESS, 0000  
SCOTT A. BELL, 0000  
WILLIAM J. BILLINGS, 0000  
GREGOR S. BO, 0000  
JEFFREY R. BORNEMANN, 0000  
KEVIN M. BRAND, 0000  
STEVE K. BRUNO, 0000  
WILLIAM J. CADE, 0000  
DANIEL G. CASE, 0000  
EUGENE S. CASH, 0000  
KENNETH E. CHRISTOPHER, 0000  
JOHN M. CLEARY, 0000  
PAUL M. CORNETT, 0000  
DANIEL J. CUELLAR, 0000  
DANIEL D. DAVIDSON, 0000  
MICHELLE DAVIS, 0000  
JUSTIN D. DEBORD, 0000  
PATRICK M. DENIS, 0000  
PAULA D. DUNN, 0000  
JONATHAN S. EDWARDS, 0000  
MICHAEL L. FABBRICANTE, 0000  
DAVID L. FELTON, 0000  
ROBERT D. FETTERSTON, 0000  
CHRISTOPHER P. FEUQUAY, 0000  
TIMOTHY FLEMING, 0000  
TIMOTHY N. FOSTER, 0000  
JAMES D. FOUNTAIN, 0000  
WILLIAM T. FRANKLIN, 0000  
KYLE F. FREEMAN, 0000  
CHRISTOPHER J. GALLAGHER, 0000  
ALIX P. GARDNER, 0000  
DENISE M. GECHAS, 0000  
DAVID A. GIVEY, 0000  
JAMES R. GLENN, 0000  
KAREN M. GRIFFITH, 0000  
WILLIAM M. GRIMES, 0000  
FRANCIS E. HANLEY, 0000  
DEBORAH J. HARDESTY, 0000

ROBERT J. HAWKINS, 0000  
GREGORY T. HAYNES, 0000  
SKILLMAN M.S. HEISS, 0000  
CHARLES H. HENRY, 0000  
JENNIFER L.A. HUCK, 0000  
ROBERT N. HUNOLD, 0000  
JOSEPH A. HUTCHINSON, 0000  
SHERRI D. JACKSON, 0000  
DAVID C. JAMES, 0000  
ERIK D. JENSEN, 0000  
BRENDA S. JOHNSON, 0000  
JEFFREY S. JOHNSON, 0000  
LISA K. KENNEMUR, 0000  
GLENN A. KILLINGBECK, 0000  
AKIL R. KING, III, 0000  
MICHAEL E. KINGMAN, 0000  
CHARLES W. KLEIN, 0000  
MICHAEL S. LAMANA, 0000  
MATTHEW J. LIPETSKA, 0000  
ERIC H. LUBECK, 0000  
LUISITO G. MALIGAT, 0000  
CLARISSA L. MARTINELLI, 0000  
JASON T. MATHIS, 0000  
RUSSELL J. MATTSO, 0000  
THOMAS P. MATULA, 0000  
SHARON E. MAWBY, 0000  
GARY L. MCKENNA, 0000  
TIMOTHY B. MCMURRY, 0000  
LEONORA A. MILAN, 0000  
GEOFFREY B. MILLER, 0000  
SCOTT T. MOE, 0000  
MICHAEL M. MONTOYA, 0000  
MONICA MURILLO, 0000  
DAVID F. MURREE, 0000  
CHRISTOPHER T. NELSON, 0000  
LESLIE J. NETTLES, 0000  
JOSEPH W. NEWSOME, 0000  
KELLY S. NICHOLS, 0000  
MARK A. NORRIS, 0000  
KATRINA L. OBRYANT, 0000  
RHONDA T. ONIANWA, 0000  
ADAM D. PALMER, 0000  
CHERYL T. PARHAM, 0000  
ANGELA R.A. PARYS, 0000  
STEPHEN R. PORK, 0000  
ELENA M. PREZIOSO, 0000  
THOMAS R. PRICE, 0000  
CLIFFORD C. PYNE, 0000  
KEVIN S. RAFFERTY, 0000  
CRAIG M. REMALY, 0000  
LAURANCE J. RICHARDS, 0000  
MICHAEL J. ROBINSON, 0000  
JERRY N. SANDERS, JR., 0000  
DAVID F. SARTORI, 0000  
JENNIFER SCANLON, 0000  
KENDRA L. SCROGGS, 0000  
MARIA V.J. SESE, 0000  
TIMOTHY M. SIMCOX, 0000  
CARL C. SMART, 0000  
JASON S. SPILLMAN, 0000  
ELIZABETH K. STEPHENS, 0000  
PAMELA L. STOUT, 0000  
WILLIAM A. SUGGS, III, 0000  
DANIEL A. THOMPSON, 0000  
JANE E. TURNER, 0000  
CRISANTTO L. VALENCIA, 0000  
JOSEPH S. WALKER, 0000  
JUDITH M. WALKER, 0000  
DELIA L. WALLACE, 0000  
HERLENA O. WASHINGTON, 0000  
KEITH D. WASHINGTON, 0000  
MARIE M. WATKINS, 0000  
SCOTT R. WHALEY, 0000  
BYRON C. WIGGINS, 0000  
JOSEPH M. WILKINSON, 0000  
NANCY V. WILSON, 0000  
ERIC W. WOLF, 0000  
JASON P. WROTEN, 0000  
TERRY D. YARBROUGH, 0000  
GEORGES E. YOUNES, 0000

*To be ensign*

ROBERT E. BEBEREMEYER, 0000  
KEVIN R. BIVENS, 0000  
CHISTOPHER L. BLANCARD, 0000  
TRACY A. BRINES, 0000  
MARK S. BUDELIER, 0000  
ERICK D. ECK, 0000  
BRUCE E. ENLIGH, 0000  
IVAN A. FINNEY, 0000  
MICHAEL W. FOWLER, 0000  
BRIAN G. HARRIS, 0000  
STEPHEN E. JOHNSON, 0000  
CHRISTOPHER K. LUEDDERS, 0000  
BRIAN L. MAZE, 0000  
DAVID D. NEAL, 0000  
GREGORY E. POOLE, 0000  
CHRISTOPHER J. RENNIE, 0000  
TRAVIS B. RHOADES, 0000  
JAMES E. SCOTT, 0000  
RAMON I. SERRANO, 0000  
JAMES R. SIMMONS, 0000  
JEROD D. SWANSON, 0000  
SEAN W. VALLIEU, 0000  
KEVIN H. WAGNER, 0000  
BENJAMIN J. WALKER, 0000  
DUNCAN L. WILLIAMS, 0000  
GORDON R. WILLIAMS, 0000  
ROBERT L. WING, 0000  
COREY D. WOFFORD, 0000  
DANIEL F. YOUGH, 0000

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT IN THE SUPPLY CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

April 28, 1997

CONGRESSIONAL RECORD—SENATE

S3761

*To be lieutenant*

PAUL G. DAVIS III, 0000  
JOHN D. SORACCO, 0000

*To be lieutenant (junior grade)*

J.S. GLENN, 0000  
ROBERT R. WINTERS, 0000

*To be ensign*

STEVEN A. CASAREZ, 0000  
JASON B. FITCH, 0000  
LINDA M. GOODE, 0000  
MICHAEL C. JOHNSON, 0000  
CHRISTOPHER L. KLIPP, 0000  
JOHN L. RAMIREZ, 0000

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT TO THE CIVIL ENGINEER CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

*To be lieutenant*

RONALD A. BARRETT, JR., 0000  
DEREK P. FRASZ, 0000  
MARK T. GERONIME, 0000  
BRYAN J. GRAPPE, 0000  
ROBERT D. JANEZIC, 0000  
JASON R. KARLIN, 0000  
FRANZ D. MESSNER, 0000  
MICHAEL P. OESTEREICHER, 0000  
LEY D.A. VANDER, 0000

*To be lieutenant (junior grade)*

ERNEST J. TRICHE IV, 0000

DARREN C. WU, 0000

*To be ensign*

TY G. CHRISTIE, 0000  
RAYMOND Y. RODRIGUEZ, 0000  
MICHAEL A. THORNTON, 0000

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589(A)

*To be lieutenant*

RONALD L. CRANFILL, 0000

*To be lieutenant (junior grade)*

WILLIAM F. CONROY II, 0000



# EXTENSIONS OF REMARKS

## A TRIBUTE TO PROF. MARK SARGENT

**HON. ROBERT L. EHRLICH, JR.**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. EHRLICH. Mr. Speaker, today I rise to pay tribute to a friend, constituent, lawyer, and academician who has reached a new pinnacle in an already distinguished career, Prof. Mark Sargent.

Professor Sargent will soon be relinquishing his current job at the University of Maryland School of Law, where he teaches and serves as associate dean for academic affairs, to accept the position of dean of the Villanova University Law School. As an attorney, I know many fine lawyers who have distinguished themselves in the courtroom as well as the classroom. Yet Mark is the only attorney I know whose accomplishments earned him a trusteeship over the future of the legal profession itself.

Mark Sargent, a man of great integrity, keen mind, and a scholarly passion for the law, is uniquely qualified to undertake this assignment. Prior to accepting his current assignment at the University of Maryland, Mark held teaching posts at the University of Baltimore Law School; Southern Methodist University Law School; and the Washington College of Law at American University. Mark's teaching style has earned him great praise. He was named the 1994-95 "Teacher of the Year" at the University of Maryland; and received the Spirit of Excellence Award at the University of Baltimore in 1984.

An acknowledged expert on business and securities law, Mark has written, coauthored, or edited dozens of articles which have appeared in legal journals across the Nation. He has also written or cowritten a total of three legal textbooks. In addition to his academic success, Mark has been a fixture in Maryland's legal community, and has chaired numerous committees of the Maryland Bar Association regarding various aspects of business and corporate law.

My respect for Mark Sargent goes beyond his many professional achievements. Early in my career, as a young associate at the Baltimore law firm of Ober, Kaler, Grimes, & Shriver, I met Mark's wife Joan, also an associate, and have been friends with her ever since. Bright and talented in her own right, Joan currently works as a staffer in my district office. Moreover, my wife Kendel, a graduate of the University of Baltimore Law School, is a former student of Mark's.

I wish Mark Godspeed as he assumes his new responsibilities later this year. As much as I will personally miss Mark and Joan, I am happy that this opportunity has presented itself to a man who so richly deserves it. The Maryland legal community's loss is Villanova Law School's gain.

## TRIBUTE TO THE MEMORY OF JACKIE ROOSEVELT ROBINSON

SPEECH OF

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 15, 1997*

Mr. STOKES. Mr. Speaker, I am proud to join my colleague, the gentle lady from Florida, Congresswoman CARRIE MEEK, to commemorate an important occasion. Fifty years ago this month, Jackie Robinson broke major league baseball's color barrier. When he made his debut with the Brooklyn Dodgers, Jackie Robinson opened doors closed to African-American athletes. This week, activities are being held across the country to pay tribute to an outstanding individual who changed the course of history. I am honored to join my colleagues and others as we recognize the historic accomplishments of Jackie Robinson.

When he entered the major baseball league, Jackie Robinson carried the hopes and aspirations of the black community on his shoulders. It wasn't an easy road. When they recruited him, it is reported that Robinson signed a contract which included a clause that he turn his cheek to all abuse for 2 years. Jackie Robinson encountered the unrest of his teammates, some of whom wanted to be traded rather than play with Robinson. He was also barred from staying in that team's hotel in St. Louis and Philadelphia, and several clubs threatened to boycott games in which Jackie Robinson played. Through it all, Jackie Robinson endured. He changed people and he changed America.

Mr. Speaker, many of us in this Chamber can recall watching Jackie Robinson during his legendary career. As a young man in Cleveland, OH, I recall that Jackie Robinson was a hero and a role model who inspired me to set goals and then achieve them. It is fitting that we recognize the efforts of an individual who started America on a new course in race relations.

A few days ago, President Clinton spoke at Shea Stadium on the significance of Jackie Robinson's life. He said that Jackie Robinson, "changed the face of baseball and the face of America forever." Others recalled the passage from Jackie Robinson's gravestone which reads: "A life is not important except in the impact it has on other lives." I take pride in honoring Jackie Robinson on this important occasion. He is more than a hero and more than a legend in the eyes of all Americans.

## PERSONAL EXPLANATION

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. CLEMENT. Mr. Speaker, on rollcall No. 91, I was detained by important events in my

State. Had I been present, I would have voted "aye."

## BLOOMFIELD CITIZENS COUNCIL AWARDS

**HON. WILLIAM J. COYNE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 2 with 1997 Bloomfield Citizens Council awards. Every year, the Bloomfield Citizens Council grants these awards to members of the community who have made a significant contribution to the quality of life in Bloomfield.

For 23 years of sharing her musical gifts with the children and adults of Bloomfield, Ginny Plowey has been selected as the 1997 recipient of the Mary Cercone Outstanding Citizen Award.

A Public Safety Award will be bestowed upon city of Pittsburgh Police Officer R. Thomas Jacques for his work in keeping zone 5 safe. I should also note that Officer Jacques was recently married and that he and his wife are currently on their honeymoon. I want to extend my congratulations and best wishes to the happy couple.

A Public Safety Award will also be given to Pittsburgh Police Commander Maurita Bryant for her leadership in protecting the residents of zone 5.

The recipient of the Community Commitment Award this year will be the Bloomfield Community Food Pantry. The Bloomfield Community Food Pantry utilizes the services of between 30 and 40 volunteers to provide a helping hand to more than 100 people in need.

Jack Schimmel, a lifelong resident of Bloomfield, will be honored with the Neighborhood Loyalty Award. He has been active in the Bloomfield Lions organization over the last 24 years, serving as both club secretary and club president during that time. He has also been actively involved in sponsoring and supervising athletics programs for young people in the community.

The Ateleta Beneficial Society and the Bloomfield Liedertafel Singing Society will each receive Heritage Awards this year. The Ateleta Beneficial Society was organized in 1924 by 235 Italian-Americans from the town of Ateleta, Abruzzi, and since that time it has promoted camaraderie and brotherhood. The Bloomfield Liedertafel Singing Society was founded in 1884, and for over 110 years it has preserved and promoted traditional German vocal music, an important component of German culture.

For their creative use of lights to depict a massive Christmas tree, as well as a number of other symbols of the season, Mr. and Mrs. Mike Armenti will receive the Most Creative Christmas Design Award.

Mr. and Mrs. Gary Caldwell will receive an award for Most Charming Decorated Home,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

receiving an award for the second straight year.

Scott Graham will receive the Keeping Christ in Christmas Award.

Mr. and Mrs. Nick DiGiacomo will receive the Most Festive in Contemporary Style Award for their Christmas light display.

Mr. and Mrs. Michael Magliocco will receive the Most Festive in Traditional Style Award for their Christmas decorations. This will be their second award in as many years.

Mr. and Mrs. Bob Meyers will receive the Award for Most Original Use of Colors. This year, the Meyers' house and yard were decorated with miniature pastel lights.

The entire Weimerskirch family has been selected to receive the Most Creative Use of Christmas Colors Award. Their house and yard were decorated exclusively with red and green light bulbs this year.

And finally, Nancy Hilliard Goldberg will receive the Most Extensive Property Decoration Award for decorating every inch of her block-long property in memory of her late husband, Sam Goldberg.

The individuals receiving this year's Bloomfield Citizens Council awards have all made significant contributions to the quality of life in Bloomfield. They deserve recognition for their efforts.

#### PERSONAL EXPLANATION

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. ETHERIDGE. Mr. Speaker, on two recent occasions, I was unavoidably detained on official business in my congressional district while the House was in session. Had I been present, I would have voted "yes" on rollcall votes 72 and 73 and "no" on rollcall vote 85. I ask that this statement appear at the appropriate place in the permanent RECORD.

#### SALUTING THE ORGANIZERS OF THE THYAGARAJA FESTIVAL

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. STOKES. Mr. Speaker, I am honored today to recognize an extraordinary group of citizens in my congressional district. Recently, the music department at Cleveland State University hosted the 1997 Thyagaraja Festival. This 2-week celebration marked the 20th anniversary of the Thyagaraja Festival. This festival enables international musicians from the country of India and other parts of the globe to come and perform in the city of Cleveland. In addition, this event offers those in attendance an opportunity to witness an array of cultural performances. Visitors travel from a majority of the United States from Arizona to California and Connecticut to Alaska. Others came from Hong Kong and India to be a part of these phenomenal activities.

This year, the festival's total attendance was estimated at 12,000; the event included the children's music competition, the Aradhana and luncheon, the ballet, Lakshmi Probhavam,

and 18 full-length concerts. The total number of participants is indicative of the tireless effort and dedication put forth by the Cleveland State University Music Department and other volunteers to organize such a spectacular event.

Mr. Speaker, while some countries within our international community are stricken with obstacles such as war and poverty, the Thyagaraja Festival stands as an illustration of our city and Nation's commitment to international unity and appreciation for cultural diversity. Again, I salute the organizers of the 1997 Thyagaraja Festival for creating an opportunity for the city of Cleveland and our great Nation to partake in an attempt to increase multicultural awareness and secure global peace.

#### PERSONAL EXPLANATION

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. CLEMENT. Mr. Speaker, on rollcall No. 90, I was detained by important events in my State. Had I been present, I would have voted "no."

#### INTRODUCTION OF LEGISLATION

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. THOMAS. Mr. Speaker, I am pleased to introduce today, along with Mr. CARDIN, Mr. BILIRAKIS, and Mr. STARK, the Programs of All-inclusive Care for the Elderly [PACE] Act of 1997. Our bill would provide coverage of PACE under the Medicare Program and establish PACE as a Medicaid State option.

As many know, PACE is a quality, cost-effective long-term care program that was pioneered by On Lok Senior Health Services in San Francisco, CA. The PACE program is a fully-capitated acute and long-term health care program in which all covered services are provided through a single organization or a single provider of care, including not only the long-term care services and inpatient hospitalization, but physician services, nurses, physical, occupational and recreational therapists, social workers, dietitians, home health aides and medical equipment suppliers. PACE programs receive capitation payments from Medicare and Medicaid, and in the case of individuals who are not eligible for Medicaid, private individuals. These payments provide payers savings relative to their expenditures in the traditional Medicare, Medicaid, and private payer systems. Finally, PACE programs are unique in that they assume total financial risk and responsibility for all acute and long-term care without limitation.

PACE evolved in response to problems which exist in the current long-term care system, a system that is biased toward institutional care, leads to discontinuity and duplication in the provisions of services, and affords little control over utilization of services and costs. These problems can lead to fragmented care, repeated and lengthy hospital stays,

family stress, premature nursing home placement, and impoverishment.

By expanding the availability of community-based long-term care services, tightly integrating all aspects of their enrollee's care, and emphasizing preventive and supportive services, PACE programs have substantially lowered the utilization of high-cost, inpatient services. In turn, dollars that would have been spent on hospital and nursing home care services are used to expand the availability of community-based care which, again reduces the need for higher-cost institutional care. As a result, PACE enrollees are able to remain at home and enjoy a better quality of life.

The PACE Coverage Act of 1997 offers an alternative to traditional long-term care which has been proven effective—both in terms of quality and cost. While we recognize that PACE is not the only solution to problems facing frail, older Americans, it is one solution that has withstood the test of time and the scrutiny which comes with being visible. On Lok, the first of the PACE programs, has been in existence since 1972 and began offering the full spectrum of PACE services in 1983. In 1986, Congress authorized demonstration waivers for up to 10, later 15, organizations seeking to replicate the achievements of On Lok in San Francisco. These programs have accumulated more than six decades of experience. Based on the success of these pioneers, it is time to make PACE programs available to eligible Medicare and Medicaid beneficiaries on a broader scale.

The purpose of our bill is to make this important alternative available across the Nation. It is also urgently needed. As mentioned, 15 demonstration sites were authorized. Far more than that number are now waiting in the wings to serve our frail elderly citizens. By establishing qualified programs as providers, we also will facilitate the ability of the private sector to insure these services and to contract with PACE programs on behalf of individuals who would benefit from this type of care. Again, this, of course, would be voluntary. What we are doing here is providing another significant resource.

As we examine the needs of the elderly, we need to look for ways to move beyond existing programs to make coordinated care networks a permanent competitive options for all beneficiaries, and the PACE model provides a strong foundation for us on which to build.

#### RECOGNITION OF HAMILTON ELEMENTARY AS ONE OF THE TOP TITLE I SCHOOLS IN THE NATION

### HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. FORD. Mr. Speaker, I rise to praise Hamilton Elementary School in Memphis, TN. On May 6, the U.S. Department of Education will recognize Hamilton Elementary as one of the top title I schools in the Nation. This is a prestigious award, based on rigorous and competitive process. Schools must compete with tens of thousands of elementary schools from around the United States for this award. The award recognizes a school's ability to help children meet high academic standards

and advanced levels of performance. I am extremely proud of the accomplishments of Hamilton Elementary. When we set high education standards, children, parents, teachers, and administrators respond. Hamilton Elementary stands as a model for the entire Nation.

Title I of the Elementary and Secondary Education Act of 1965 is the Nation's largest Federal investment in local schools. It directs approximately \$7 billion each year to cover 50,000 schools districts in the United States with high numbers of low-income families and students. With an emphasis on high academic standards and accelerated learning in core subjects, it is transforming schools like Hamilton Elementary. Title I is an investment that will pay dividends for years to come.

Our work, however, is not over. According to the National Assessment of Educational Progress, the Nation's report card, only 28 percent of fourth graders read at a proficient or advanced level. Only 21 percent of eighth graders are proficient in math. On Friday, the Department of Education reported that "education and training are strongly associated with increased productivity, higher rates of employment and higher paying jobs for Americans." At the same time, other industrialized nations are making productivity gains as these countries spend more to train and educate their work force.

Today, more than ever, we owe it to our children to give them the education and skills they need to become productive participants in today's marketplace. High technology companies will shape the next generation of successful businesses in the 21st century. If we do not educate and train our young people to enter these high-skilled, high-wage jobs, our global competitors will pass us. Hamilton Elementary is doing its part and I applaud them for it. I call on my colleagues in the U.S. House of Representatives to join me in honoring their accomplishment.

#### STUDENTS IN FREE ENTERPRISE

### HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. GREENWOOD. Mr. Speaker, I rise today to pay tribute to an outstanding organization in Bucks County, the Students in Free Enterprise, located at the Bucks County Community College.

Students in Free Enterprise [SIFE] is a nonprofit, international organization including over 400 chapters on the campuses of U.S. colleges and universities. SIFE has continually encouraged the free enterprise system through educational programs since its inception more than 20 years ago by Sam Walton, founder of Wal-Mart. Students in the organization dedicate their time and resources to helping others develop leadership, teamwork and communication skills through learning, practicing, and teaching the principles of free enterprise. SIFE is not only involved with the encouragement of the free enterprise system, but has worked closely with many national and international charitable organizations such as the American Red Cross, the American Lung Association, and the Civil Air Patrol on various projects. The student organization at the Bucks County Community College has also in-

stituted programs such as Reading Empowers and Directs Youth [READY] and Children Are Really Extra Special [CARES] to teach children important computer skills.

The Students in Free Enterprise is a valuable asset to the people of Pennsylvania. In honor of their many charitable and civic contributions, I join my colleagues in the Pennsylvania House of Representatives in recognizing May 20, 1997 as Students in Free Enterprise Day.

I congratulate them on this day as they continue their mission of helping people achieve their dreams through free enterprise education.

#### MASSACHUSETTS STATE SENATE URGES FAIRNESS FOR LEGAL IMMIGRANTS

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 28, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this month the Massachusetts State Senate passed a resolution urging us to reverse the cruel and unwise policy adopted last year in the welfare bill of cutting off basic income support to legal residents of this country who are unable to support themselves.

I thought this was a grave error when it was proposed and worked hard against it. I regretted its passage and signature by the President. And since that time, our worst fears have come true. I've heard from people throughout my district about the terrible social harm that will result from this unjust policy. Russian Jews in the northern part of my district who came to the United States as refugees from Communist anti-Semitism; hard-working elderly Portuguese immigrants who came to this country and worked hard for some time before illness struck them; Indo-Chinese residents who came to the United States because they had been supportive of our efforts during the Vietnam war—these are examples of the decent, hard-working, wholly innocent people who are victims of last year's grave error.

The Massachusetts Legislature is trying to address this, but it is an outrage for this Congress to impose on the States the financial responsibility that ought to rest at the Federal level. States have enough financial problems without being forced to serve as a backup for Federal callousness. Mr. Speaker, the Massachusetts Senate, composed of elected officials who live day to day with this problem and fully understand it, expresses the point very well and I congratulate Senator Linda Melconian for taking the lead on this issue and I ask that the resolution adopted by the Massachusetts Senate be printed here.

#### RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO RESTORE FEDERALLY FUNDED BENEFITS TO LEGAL IMMIGRANTS RESIDING IN THE UNITED STATES

Whereas, in August of Nineteen Hundred and Ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said Act forbade use of Federal funds to provide benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and

Whereas, because Congress has abdicated its financial responsibility, the financial burden of the action by Congress falls unfairly on the States and needy residents of the States; now therefore be it

*Resolved*, That the Massachusetts Senate respectfully requests that the President and the Congress of the United States restore to the States the authority to provide Federally funded benefits to needy, lawful residents of the United States; and be it further

*Resolved*, That the Massachusetts Senate respectfully requests that the United States Congress and the President restore to the Commonwealth adequate Federal funding to allow for the provision of benefits for financially needy immigrants lawfully residing in this Commonwealth; and be it further

*Resolved*, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States of America, the Presiding Officer of each branch of the United States Congress, and each member of the Massachusetts Congressional Delegation.

#### TRIBUTE TO JAMES FARMER, CIVIL RIGHTS FREEDOM FIGHTER

SPEECH OF

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 24, 1997*

Mr. STOKES. Mr. Speaker, the civil rights struggle was a pivotal point in American history. It not only changed the course of our Nation, but how we look at each another today. In the annals of history, names of heroic citizens are sometimes overlooked, as is often the case in turbulent times. It is for this reason that as a member of the Congressional Black Caucus, I am pleased that my colleague, the gentleman from Georgia, Mr. LEWIS, reserved this time today. Mr. Speaker, I rise today to honor one of the few living trailblazers in America's struggle for civil rights, Mr. James L. Farmer.

Mr. Farmer was a founder of the Congress of Racial Equality, or CORE, which was a pioneering organization in nonviolent protest. Through Mr. Farmer's design, execution, and leadership, a form of peaceful protest—known as Freedom Rides—was organized throughout the South as part of the movement that led to desegregation and passage of the Civil Rights Act.

James Farmer grew up in the shadow of segregation in Mississippi. As a child, he felt the weight of racism and knew that he would eventually help bring segregation to its knees. He was right. As the son of a clergyman and the first African-American Ph.D. recipient in Texas, James Farmer grew up steeped in religion and education. He was supposed to follow his father's path to the pulpit, but could not bring himself to preach before a church that was segregated, as his was. But it was during his education at Howard University School of Divinity that he was moved by the teachings of Mohandas Gandhi, and the seed of nonviolent protest was planted firmly in his mind.

In 1942, Mr. Farmer organized sit-ins at segregated lunch counters in Chicago, and it

was in that period that CORE was founded. After World War II, Mr. Farmer wanted to test the reality of a U.S. Supreme Court ruling which declared that segregation of interstate buses was indeed unconstitutional in 1947.

Mr. Speaker, it was in 1961 that integrated groups of brave individuals boarded buses to travel throughout the South on what were known as Freedom Rides. These riders were threatened, beaten, and jailed, but they never wavered in their struggle for the equality they

knew all Americans were due. Mr. Speaker, these Freedom Rides became a very important component in the struggle for civil rights.

The riders were made up of intrepid and dignified individuals such as my colleague JOHN LEWIS, with whom I am so proud to serve in the U.S. Congress. I want my colleagues to know, however, that the Freedom Rides were the work of Jim Farmer. Mr. Farmer, who still resides nearby outside of Fredericksburg, VA, deserves our deepest grati-

tude. It is time that we recognize Mr. Farmer as the historic civil rights figure that he is. I sincerely hope that President Clinton will give him this consideration in his selection of Presidential Medal of Freedom recipients, and I thank the gentleman from Georgia [Mr. LEWIS] for taking this special order to honor Jim Farmer. It is entirely fitting and proper that Mr. LEWIS, himself a great civil rights leader, lead us in this special order this evening.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 29, 1997, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## APRIL 30

9:30 a.m.

Commerce, Science, and Transportation  
To hold hearings on the nomination of Andrew J. Pincus, of New York, to be General Counsel of the Department of Commerce.

SR-253

Labor and Human Resources

To hold hearings to examine equal opportunity issues in the Federal construction industry.

SD-430

Rules and Administration

To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.

SR-301

10:00 a.m.

Appropriations  
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.

SD-192

Commerce, Science, and Transportation

To hold hearings to examine the impact of emerging trade issues on the U.S. consumer.

SR-253

Finance

To hold hearings on increasing children's access to health care.

SD-215

Judiciary

To hold hearings to examine the operations of the Department of Justice.

SH-216

10:30 a.m.

Banking, Housing, and Urban Affairs  
Securities Subcommittee

To hold oversight hearings on social security investment in the securities markets.

SD-538

2:00 p.m.

Commerce, Science, and Transportation  
Science, Technology, and Space Subcommittee

To hold hearings on the use of "Telepresence", the enabling technology for telemedicine and distance learning.

SR-253

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings on fighting crime and violence in the District of Columbia.

SD-342

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

## MAY 1

9:00 a.m.

Appropriations  
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.

SD-192

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to examine biomedical research priorities.

SD-430

10:00 a.m.

Appropriations  
Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.

SD-124

Armed Services

Readiness Subcommittee

To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the Department of Defense Depot maintenance privatization initiatives.

SR-222

Banking, Housing, and Urban Affairs

Financial Institutions and Regulatory Relief Subcommittee

To hold oversight hearings on the Office of the Comptroller of the Currency, Department of the Treasury.

SD-538

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the extent of religious persecution in the Middle East.

SD-419

Governmental Affairs

To hold hearings on proposals to develop and implement management reforms to provide the Department of Defense with strategies and techniques to increase effectiveness, reduce costs, and minimize risks associated with program and administrative management.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Small Business

To hold hearings on the Small Business Administration's finance programs.

SR-428A

11:30 a.m.

Judiciary

Immigration Subcommittee

To hold oversight hearings on the Immigration and Naturalization Services,

focusing on criminal record verification process for citizenship applicants.

SH-216

2:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.

SD-138

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 357, to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.

SD-366

Foreign Relations

To hold hearings on the nomination of Stuart E. Eizenstat, of Maryland, to be Under Secretary of State for Economic, Business and Agricultural Affairs.

SD-419

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to discuss certain issues with regard to the ABM Treaty, focusing on the national missile defense program.

SD-342

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

## MAY 2

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for April and the Consumer Price Index.  
1334 Longworth Building

## MAY 5

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

SD-366

## MAY 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.

SD-138

Energy and Natural Resources

To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy.

SD-366

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Joint Committee on Taxation, the Joint Economic Committee, and the Joint Committee on Printing.

S-128, Capitol.

Judiciary

To hold hearings to examine encryption issues in the information age.

SD-226

2:00 p.m.

Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States.  
S-128, Capitol

Judiciary

Youth Violence Subcommittee  
To hold hearings to review the programs and mandates of the Office of Juvenile Justice Delinquency Prevention.  
SD-226

MAY 7

9:15 a.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.  
SH-216

9:30 a.m.

Environment and Public Works  
Transportation and Infrastructure Subcommittee  
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs.  
SD-406

10:00 a.m.

Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.  
SD-192

Appropriations

Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.  
SD-124

Judiciary

To hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform.  
SD-226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.  
SD-226

MAY 8

9:30 a.m.

Energy and Natural Resources

To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.  
SH-216

10:00 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee  
To hold hearings to examine the Government's impact on television programming.  
SD-432

Commission on Security and Cooperation in Europe

To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).  
SD-538

MAY 14

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.  
SD-366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.  
SD-192

MAY 15

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.  
SD-366

MAY 21

10:00 a.m.

Appropriations  
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.  
SD-192

Judiciary

To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.  
SD-226

MAY 22

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.  
SH-216

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold a workshop on the proposed "Public Land Management Responsibility and Accountability Act".  
SD-366

JUNE 4

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.  
SD-192

JUNE 11

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.  
SD-192

JUNE 12

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.  
SH-216

Monday, April 28, 1997

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3741-61*

**Measures Introduced:** Two bills and one resolution were introduced, as follows: S. 660 and 661 and S. Res. 79. Page S3750

**Measures Reported:**

Special report entitled "Review of Legislative Activity of the Committee on Rules and Administration During the 104th Congress". (S. Rept. No. 105-14). Page S3750

**Volunteer Protection Act:** Senate resumed consideration of the motion to proceed to consideration of S. 543, to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Pages S3744-48

A second motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the second cloture motion could occur on Wednesday, April 30, 1997. Page S3748

Senate will continue consideration of the motion to proceed to consideration of the bill on Tuesday, April 29, 1997, with a cloture vote to occur thereon.

**Messages From the President:** Senate received the following messages from the President of the United States:

Transmitting, a report relative to the Chemical Weapons Convention; to the Committee on Foreign Relations. (PM-30). Pages S3748-49

Transmitting, a report relative to the Chemical Weapons Convention; to the Committee on Foreign Relations. (PM-31). Pages S3749-50

**Nominations Received:** Senate received the following nominations:

Michael J. Armstrong, of Colorado, to be an Associate Director of Federal Emergency Management Agency.

Edward William Gnehm, Jr., of Georgia, to be Director General of the Foreign Service.

Routine lists in the Navy.

Pages S3759-61

**Messages From the President:**

Pages S3748-50

**Communications:**

Page S3750

**Statements on Introduced Bills:**

Pages S3750-56

**Additional Cosponsors:**

Pages S3756-57

**Notices of Hearings:**

Page S3757

**Additional Statements:**

Pages S3757-59

**Adjournment:** Senate convened at 2 p.m., and adjourned at 5:12 p.m., until 9:30 a.m., on Tuesday, April 29, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3759.)

### Committee Meetings

No committee meetings were held.

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## House of Representatives

### Chamber Action

**Bills Introduced:** 5 public bills, H.R. 1463-1467, were introduced. Page H1908

**Reports Filed:** Reports were filed as follows:

Filed on April 25, H.R. 2, to repeal the United States Housing Act of 1937, deregulate the public

housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, amended (H. Rept. 105-76);

H.R. 867, to promote the adoption of children in foster care, amended (H. Rept. 105-77);



H.R. 1048, to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, amended (H. Rept. 105-78 Part I); and

H. Res. 129, providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress, amended (H. Rept. 105-79). Page H1908

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Thornberry to act as Speaker pro tempore for today. Page H1895

**Presidential Message—Chemical Weapons Convention:** Read a message from the President wherein he transmits his certification concerning the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction ratified by the Senate on April 24, 1997. The message was received by the Clerk on Friday, April 25—referred to the Committee on International Relations and ordered printed (H. Doc. 105-77). Pages H1895-96

**Referral:** S. 562, to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, was referred to the Committee on Banking and Finance. Page H1906

**Senate Messages:** Messages received from the Senate today and on Friday, April 25 appear on page H1895.

**Quorum Calls—Votes:** No quorum calls or recorded votes developed during the proceedings of the House today.

**Adjournment:** Met at 2:00 p.m. and adjourned at 3:25 p.m.

## Committee Meetings

### AIRBAGS, CAR SEATS, AND CHILD SAFETY

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Air Bags, Car Seats, and Child Safety. Testimony was heard from the following officials of the National Highway Traffic Safety Administration, Department of Transportation: Ricardo Martinez, Administrator; Phil Recht, Deputy Administrator; James Hedlund, Associate Administrator, Traffic Safety Programs; Ralph Hitchcock, Acting Associate Administrator, Research and Development; and Robert Shelton, Associate Administrator, Safety Performance Standards; and public witnesses.

## NEW PUBLIC LAWS

(For last listing of Public laws, see DAILY DIGEST, p. D338)

H.R. 785, to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center. Signed April 24, 1997. (P.L. 105-10)

H.R. 1225, to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states. Signed April 25, 1997. (P.L. 105-11)

## COMMITTEE MEETINGS FOR TUESDAY, APRIL 29, 1997

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations,* business meeting, to mark up proposed legislation making supplemental appropriations for the Department of Defense, natural disaster relief and other emergency assistance, and other non-emergency assistance, 10 a.m., SD-192.

*Committee on Banking, Housing, and Urban Affairs,* to hold hearings on S. 621, to repeal the Public Utility Holding Company Act of 1935 and transfer residual regulatory authority from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and State public service commissions, 9:30 a.m., SD-538.

*Committee on Commerce, Science, and Transportation,* to hold hearings to examine automobile airbag safety issues, 2:30 p.m., SR-253.

*Committee on Energy and Natural Resources,* to hold oversight hearings to review a GAO evaluation of the development of the Draft Tongass Land Management Plan, 10 a.m., SD-366.

*Committee on Environment and Public Works,* Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to resume hearings to examine ozone and particulate matter standards proposed by the Environmental Protection Agency, 2 p.m., SD-406.

*Committee on Foreign Relations,* to hold hearings on the Treaty on Conventional Armed Forces in Europe (CFE) Revision of the Flank Agreement (Treaty Doc. 105-5), 10 a.m., SD-419.

*Committee on the Judiciary,* to hold hearings on the nomination of Joel I. Klein, of the District of Columbia, to be an Assistant Attorney General, 3 p.m., SD-226.

*Committee on Labor and Human Resources,* to hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts and the Humanities, National Foundation on the Arts and the Humanities, 10 a.m., SD-430.

*Committee on Indian Affairs,* business meeting, to mark up S. 459, to authorize funds for and extend the Native American Programs Act of 1974; to be followed by an oversight hearing on the implementation of the San Carlos Water Rights Settlement Act of 1991 (P.L. 102-575), 9:30 a.m., SR-485.

*Special Committee on Aging*, to hold hearings on improving chronic health care in Medicare and Medicaid, 9:30 a.m., SH-216.

## NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E763–64 in today's Record.

### House

*Committee on Banking and Financial Services*, Subcommittee on Domestic and International Monetary Policy, hearing on the Reauthorization of the Export-Import Bank, 1 p.m., 2128 Rayburn.

*Committee on Commerce*, Subcommittee on Energy and Power, hearing on H.R. 1270, Nuclear Waste Policy Act of 1997, 2 p.m., 2123 Rayburn.

*Committee on Education and the Workforce*, Subcommittee on Early Childhood, Youth and Families, hearing on the Administration's National Testing Proposal, 10 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight*, Subcommittee on Civil Service, hearing on D.C. Retirement System: Coping with Unfunded Liabilities; and to mark-up H. Con. Res. 13, expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed, 2 p.m., 2154 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on "Promotion Outreach Efforts for Census 2000", 9 a.m., 311 Cannon.

*Committee on the Judiciary*, to continue markup of H.R. 3, Juvenile Crime Control Act of 1997, 2 p.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on Forests and Forest Health, oversight hearing on Forest Health, Ecology, and Management, 2 p.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, oversight hearing on the Grand Staircase-Escalante National Monument, and to consider the following bills: H.R. 413, to prohibit further extension or establishment of any national monument in Washington State without full public participation and an express Act of Congress; H.R. 596, to prohibit further extension or establishment of any national monument without express consent of Congress; H.R. 597, to prohibit further extension or establishment of any national monument in Idaho without full participation and an express Act of Congress; and H.R. 1127, to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, 9:30 a.m., 1324 Longworth.

*Committee on Rules*, to consider the following: H.R. 867, Adoption Promotion Act of 1997; and H.R. 2, Housing Opportunity and Responsibility Act of 1997, 5 p.m., H-313 Capitol.

*Committee on Transportation and Infrastructure*, Subcommittee on Water Resources and Environment, hearing on Wetlands—recent regulatory and judicial developments, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Health, hearing on Coordinated Care Options for Seniors, 9:30 a.m., B-318 Rayburn.

Subcommittee on Trade, hearing on Expanding U.S. Trade with Sub-Saharan Africa, 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:30 a.m., Tuesday, April 29

## Senate Chamber

**Program for Tuesday:** Senate will resume consideration of the motion to proceed to consideration of S. 543, Volunteer Protection Act, with a cloture vote to occur thereon.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)*

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, April 29

## House Chamber

**Program for Tuesday:** Consideration of 5 Suspensions:

1. H.R. 1048, Welfare Reform Technical Corrections Act of 1997;

2. H.R. 1342, Regarding Expiring Conservation Reserve Program Contracts;

3. H.R. 279, Awarding the Congressional Gold Medal to Francis Sinatra;

4. H.R. 680, Authorizing the Transfer to States of Surplus Personal Property for Donations to Nonprofit Providers of Necessaries to Impoverished Families and Individuals; and

5. H.R. 363, Extending the Electric and Magnetic Fields Research Program; and

Consideration of H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997 (Open Rule, One Hour General Debate)

## Extensions of Remarks, as inserted in this issue

## HOUSE

Clement, Bob, Tenn., E759, E760  
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Ehrlich, Robert L., Jr., Md., E759  
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